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House of Representatives

The House met at 9 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Eternal God, You reveal Yourself in the Sacred Scriptures. In blessing Abram, You said:

''I will bless those who bless you and curse those who curse you. All the communities of the earth shall find blessing in you.''

May this blessing now fall upon this Nation and this Chamber.

Since we tend to rejoice with friends and supporters, yet fear or ignore those who disagree or curse us, may Your Holy Word of blessing assure every one of us that You are one with us always, whether we feel praised or offended, blessed or cursed.

As You chose Abram, You have chosen these Representatives and the communities which have elected them to be Your very own.

Called by You to live into the bright promise of future and willing to be led by faith, may Your people prove worthy always to be blessed and never cursed.

May our attention to Your call and our gratitude for Your direction foster such a deep union in us and with You that we become a blessing to all the communities of the earth both now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Florida (Mr. FOLEY) come forward and lead the House in the Pledge of Allegiance.

Mr. FOLEY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a joint resolution of the House of the following title:

H.J. Res. 76. Joint resolution making further continuing appropriations for the fiscal year 2002, and for other purposes.

The message also announced that the Senate has passed a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 88. Concurrent resolution expressing solidarity with Israel in the fight against terrorism.

The message also announced that pursuant to Public Law 96–114, as amended, the Chair, on behalf of the Majority Leader, announces the appointment of Kevin B. Lefton, of Virginia, to the Congressional Award Board, vice John Falk.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain 1-minute speeches at the end of legislative business today.

PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 305 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 305

Resolved, That it shall be in order at any time on the legislative day of Thursday, December 6, 2001, for the Speaker to entertain motions that the House suspend the rules relating to the following measures:

(1) The bill (H.R. 3008) to reauthorize the trade adjustment assistance program under the Trade Act of 1974.

(2) The bill (H.R. 3129) to authorize appropriations for fiscal years 2002 and 2003 for the United States Customs Service for antiterrorism, drug interdiction, and other operations, for the Office of the United States Trade Representative, for the United States International Trade Commission, and for other purposes.

The SPEAKER. The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, yesterday the Committee on Rules met and passed this resolution providing that it shall be in order at any time on the legislative day of Thursday, December 6, 2001, for the Speaker to entertain motions that the House suspend the rules relating to the following measures:

One, the bill, H.R. 3008, to reauthorize the Trade Adjustment Assistance Program under the Trade Act of 1974; and, two, the bill, H.R. 3129, to authorize appropriations for fiscal years 2002 and 2003 for the United States Customs Service for antiterrorism, drug interdiction, and other operations, for the Office of the United States Trade Representative, for the United States International Trade Commission, and for other purposes.

Mr. Speaker, our textile workers are hurting and they are hurting bad. In the last year, 60,000 textile workers have lost their jobs, 20,000 of them in North Carolina alone. The industry has done its best through technology to compete, but they have not had a level playing field.

These folks are the best our country has to offer. They are working hard to make ends meet. When they get laid off, they do not come whining to the government, they say maybe we could have done something better or different, but then they go out and get two jobs to make ends meet.

Mr. Speaker, someone has to stick up for these folks because the government does have something to do with these layoffs. Our textile workers are hurting because of low-cost foreign imports, and many of these imports are illegal. Asian countries avoid our quotas by shipping their goods through other countries. That is unacceptable, and it is time for it to stop. For years, our government has turned a blind eye to it.

The Customs authorization bill that we will consider today will help fight these illegal textile transshipments. It provides the Customs Service with $9.5 million for transshipment enforcement operations. These funds must be used to hire 72 new employees who will be stationed both here at home and abroad to enforce our textile trade laws. It is high time for the government to start taking our textile industry seriously.

This bill will not solve all of our problems, and it will not come anywhere close to solving our problems as we see them today, but at least we are getting somewhere and we are making some headway.

Mr. Speaker, the other bill we are going to consider today is a renewal of the Trade Adjustment Assistance program. This program gives job training and education benefits to workers who lose their jobs because of trade. To be honest about it, I have always had mixed feelings about TAA because my friends back home would rather have a job than a handout and being unemployed. We should be working first and foremost to save our American jobs.

But quite frankly, that said, TAA is important to someone who has lost their job. And today's bill improves the program in two important ways. First, it extends job training benefits so they last the same number of weeks as unemployment benefits. What a novel idea. 104 weeks.

Second, the bill forces the Department of Labor to decide TAA requests within 40 days instead of 60 days so that workers can get their benefits more quickly. Is that enough? No way. TAA is not a substitute for a job, but it should be expanded so that secondary workers get help. Secondary workers are the supplier, those folks down the road who do business with the mills, and that has been a big issue in my district, people who have not qualified for help.

Secretary of Labor Elaine Chao has promised us that she will use emergency funds to provide TAA to secondary workers, and we should acknowledge her commitment; but we should put secondary worker coverage in the law so we do not have to rely on the whim of the next Secretary of Labor or the next one or the next one.

Mr. Speaker, let us pass this rule so we can give help to our hurting textile community. We have a long way to go, but now we have folks listening and we are making some progress. This is all a start. Sure, a very small start, but it is a start.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentlewoman from North Carolina (Mrs. MYRICK) for yielding me this time, and as the gentlewoman has explained, under rule VX of the House rules, bills may be considered on the House floor under suspension of the rules only on Mondays and Tuesdays. Therefore, this resolution is required in order to consider these bills on today's schedule.

The gentlewoman has done an adequate job of explaining why, in the leadership's opinions, these bills must come to the floor today and in this manner.

Mr. Speaker, I respectfully disagree and I will call on our colleagues to oppose adoption of this rule. There is no need to rush to judgment on these bills. I heard my colleague and I agree with her with reference to the matters in TAA dealing with the textile industry, but there are some of us that are concerned about provisions in agricultural measures in regards to people that have lost their jobs. Some of us are interested in the citrus industry in Florida and what we are likely to do here today, and would like to have more discussion regarding same.

There is simply no good reason to handle these bills outside the normal parameters of the way the House should conduct its business. Moreover, when the House does operate this way, it effectively curtails our rights and responsibilities as serious legislators. Members should be very wary of allowing leadership to usurp our rights.

There are Members of this body who have serious concerns with at least one of the bills we are considering today. I am certain that we will hear quite a bit in due time from the distinguished ranking member of the Committee on the Judiciary, the gentleman from Michigan (Mr. CONYERS), on why this is not the appropriate way to handle serious legislation.

As my colleagues know, handling bills under suspension denies Members the opportunity to amend the bill in any way. Moreover, in this case many Members from both the committee of original jurisdiction, the Committee on Ways and Means and the Committee on the Judiciary, have serious concerns about the Customs bill.

We have heard or will hear soon that this particular bill passed committee on a voice vote; therefore, leading Members to believe that it is noncontroversial. It is not. There are legitimate questions with the bill as written, and we are not able to effectively deal with these questions when we give up our rights and allow the bill to be considered under suspension.

We are told that this is the only practical way of dealing with all of the House's business in a timely manner. Also not true. Like my colleagues, I was informed yesterday that the House is not scheduled to meet tomorrow or the following Monday. If we were serious about doing the work of our constituents, we would be here tomorrow, Monday, possibly Saturday and Sunday, and however long it takes in order that we might address the concerns as shared by our good friends and me for those persons that have been displaced by September 11, and are likely to be displaced by the actions that we undertake later today on the Trade Promotion Authority.

Mr. Speaker, there is much work to be done and we ought simply not advocate our responsibility to do. As I mentioned at the outset and for the reasons just explained, I oppose adoption of this rule.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

□ 0915

Mrs. MYRICK. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. ISAKSON). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Florida. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 207, nays 179, not voting 47, as follows:

[Roll No. 476]

YEAS—207

Ackerman	Goodlatte	Osborne
Aderholt	Goss	Ose
Akin	Graham	Otter
Armey	Granger	Oxley
Bachus	Graves	Paul
Baker	Green (WI)	Pence
Ballenger	Greenwood	Peterson (PA)
Barr	Grucci	Petri
Bartlett	Gutknecht	Pitts
Bereuter	Hansen	Portman
Biggert	Harman	Pryce (OH)
Bilirakis	Hart	Putnam
Blumenauer	Hastings (WA)	Ramstad
Blunt	Hayes	Regula
Boehlert	Hayworth	Rehberg
Bonilla	Hefley	Reynolds
Bono	Hobson	Riley
Boozman	Hoekstra	Rogers (KY)
Brady (TX)	Horn	Rogers (MI)
Bryant	Houghton	Rohrabacher
Burr	Hulshof	Ros-Lehtinen
Burton	Hunter	Royce
Buyer	Hyde	Ryan (WI)
Callahan	Isakson	Ryun (KS)
Calvert	Israel	Saxton
Camp	Issa	Schaffer
Cannon	Istook	Schrock
Cantor	Jefferson	Sensenbrenner
Capito	Jenkins	Sessions
Castle	Johnson (CT)	Shadegg
Chabot	Johnson (IL)	Shaw
Chambliss	Jones (NC)	Shays
Coble	Keller	Sherwood
Collins	Kelly	Shimkus
Combest	Kennedy (MN)	Shuster
Cooksey	Kerns	Simmons
Cox	King (NY)	Simpson
Crenshaw	Kingston	Skeen
Culberson	Kirk	Smith (MI)
Cunningham	Knollenberg	Smith (NJ)
Davis, Jo Ann	Kolbe	Smith (TX)
Davis, Tom	LaHood	Stearns
Deal	Largent	Stump
DeLay	Latham	Sununu
DeMint	LaTourette	Sweeney
Diaz-Balart	Leach	Tancredo
Dicks	Lewis (CA)	Tauzin
Doyle	Lewis (KY)	Taylor (NC)
Dreier	Linder	Terry
Duncan	LoBiondo	Thomas
Dunn	Lowey	Thornberry
Ehlers	Lucas (OK)	Thune
Emerson	Manzullo	Tiahrt
Eshoo	McCrery	Tiberi
Everett	McHugh	Toomey
Ferguson	McInnis	Traficant
Flake	McIntyre	Upton
Fletcher	McKeon	Vitter
Foley	Mica	Walden
Forbes	Miller, Gary	Walsh
Frelinghuysen	Miller, Jeff	Wamp
Gallegly	Moran (KS)	Watkins (OK)
Ganske	Moran (VA)	Watts (OK)
Gekas	Myrick	Weldon (FL)
Gibbons	Nethercutt	Weller
Gilchrest	Ney	Whitfield
Gillmor	Northup	Wicker
Gilman	Norwood	Wilson
Goode	Nussle	Wolf

NAYS—179

Abercrombie	Baldwin	Berman
Allen	Barcia	Berry
Andrews	Barrett	Bishop
Baca	Becerra	Blagojevich
Baird	Bentsen	Bonior
Baldacci	Berkley	Borski
Boswell	Kanjorski	Payne
Boyd	Kaptur	Pelosi
Brady (PA)	Kildee	Peterson (MN)
Brown (FL)	Kilpatrick	Phelps
Brown (OH)	Kind (WI)	Pomeroy
Capps	Kleczka	Price (NC)
Capuano	Kucinich	Rahall
Cardin	LaFalce	Rangel
Carson (IN)	Lampson	Reyes
Carson (OK)	Langevin	Rivers
Clement	Lantos	Rodriguez
Condit	Larsen (WA)	Roemer
Conyers	Larson (CT)	Ross
Costello	Lee	Roybal-Allard
Coyne	Levin	Rush
Crowley	Lewis (GA)	Sanders
Davis (CA)	Lipinski	Sandlin
Davis (FL)	Lofgren	Sawyer
Davis (IL)	Lucas (KY)	Schakowsky
DeFazio	Luther	Schiff
DeGette	Lynch	Scott
DeLauro	Maloney (CT)	Serrano
Deutsch	Maloney (NY)	Sherman
Dingell	Markey	Shows
Doggett	Mascara	Skelton
Dooley	Matheson	Slaughter
Edwards	Matsui	Smith (WA)
Etheridge	McCarthy (MO)	Snyder
Evans	McCarthy (NY)	Solis
Farr	McCollum	Spratt
Fattah	McDermott	Stark
Filner	McGovern	Stenholm
Ford	McKinney	Strickland
Frank	McNulty	Stupak
Frost	Meeks (NY)	Tanner
Gephardt	Menendez	Tauscher
Green (TX)	Millender-McDonald	Taylor (MS)
Hall (TX)	Miller, Dan	Thompson (CA)
Hastings (FL)	Miller, George	Thompson (MS)
Hill	Mink	Thurman
Hilliard	Mollohan	Tierney
Hinojosa	Moore	Towns
Hoeffel	Murtha	Turner
Holden	Nadler	Udall (CO)
Holt	Napolitano	Udall (NM)
Honda	Neal	Velazquez
Hooley	Oberstar	Visclosky
Hoyer	Obey	Waters
Inslee	Olver	Watson (CA)
Jackson (IL)	Ortiz	Watt (NC)
Jackson-Lee (TX)	Owens	Weiner
John	Pallone	Woolsey
Johnson, E. B.	Pascrell	Wynn
Jones (OH)	Pastor	

NOT VOTING—47

Barton	English	Platts
Bass	Fossella	Pombo
Boehner	Gonzalez	Quinn
Boucher	Gordon	Radanovich
Brown (SC)	Gutierrez	Rothman
Clay	Hall (OH)	Roukema
Clayton	Herger	Sabo
Clyburn	Hilleary	Sanchez
Cramer	Hinchey	Souder
Crane	Hostettler	Waxman
Cubin	Johnson, Sam	Weldon (PA)
Cummings	Kennedy (RI)	Wexler
Delahunt	Meehan	Wu
Doolittle	Meek (FL)	Young (AK)
Ehrlich	Morella	Young (FL)
Engel	Pickering	

□ 0945

Mr. DAVIS of Illinois, Mr. FORD, Mrs. DAVIS of California and Messrs. DAVIS of Florida, WYNN, MARKEY and LIPINSKI changed their vote from ''yea'' to ''nay.''

Mr. HEFLEY and Mr. JEFFERSON changed their vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BROWN of South Carolina. Mr. Speaker, on rollcall No. 476 I was unavoidably detained. Had I been present, I would have voted ''Yea.''

Stated against:

Mr. GONZALEZ. Mr. Speaker, on rollcall No. 476, had I been present, I would have voted ''nay.''

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ISAKSON). Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on the first motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules.

REAUTHORIZING TRADE ADJUSTMENT ASSISTANCE PROGRAM REAUTHORIZATION ACT

Mr. THOMAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3008) to reauthorize the trade adjustment assistance program under the Trade Act of 1974, as amended.

The Clerk read as follows:

H.R. 3008

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—REAUTHORIZATION OF TRADE ADJUSTMENT ASSISTANCE PROGRAM; RELATED PROVISIONS

SECTION 101. REAUTHORIZATION OF PROGRAM.

(a) ASSISTANCE FOR WORKERS.—Section 245 of the Trade Act of 1974 (19 U.S.C. 2317) is amended by striking ''October 1, 1998, and ending September 30, 2001,'' each place it appears and inserting ''October 1, 2001, and ending September 30, 2003,''.

(b) ASSISTANCE FOR FIRMS.—Section 256(b) of the Trade Act of 1974 (19 U.S.C. 2346(b)) is amended by striking ''October 1, 1998, and ending September 30, 2001'' and inserting ''October 1, 2001, and ending September 30, 2003,''.

(c) TERMINATION.—Section 285(c) of the Trade Act of 1974 (19 U.S.C. 2271 note) is amended in paragraphs (1) and (2)(A) by striking ''September 30, 2001'' and inserting ''September 30, 2003''.

(d) TRAINING LIMITATION UNDER NAFTA PROGRAM.—Section 250(d)(2) of the Trade Act of 1974 (19 U.S.C. 2331(d)(2)) is amended by striking ''October 1, 1998, and ending September 30, 2001'' and inserting ''October 1, 2001, and ending September 30, 2003''.

(e) CLARIFICATION OF CERTAIN REDUCTIONS.—(1) Section 231(a)(3)(B) of the Trade Act of 1974 (19 U.S.C. 2291(a)(3)(B)) is amended by striking ''any unemployment insurance'' and inserting ''any regular State unemployment insurance''.

(2) Section 233(a)(1) of the Trade Act of 1974 (19 U.S.C. 2293(a)(1)) is amended by striking ''unemployment insurance'' and inserting ''regular State unemployment insurance''.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2001.

SEC. 102. AMENDMENTS TO LIMITATIONS ON TRADE READJUSTMENT ALLOWANCES.

(a) INCREASE IN MAXIMUM NUMBER OF WEEKS.—Section 233(a) of the Trade Act of 1974 (19 U.S.C. 2293(a)) is amended—

(1) in paragraph (2), by inserting after ''104-week period'' the following: ''(or, in the case

of an adversely affected worker who requires a program of remedial education (as described in section 236(a)(5)(D)) in order to complete training approved for the worker under section 236, the 130-week period)''; and

(2) in paragraph (3), by striking ''26'' each place it appears and inserting ''52''.

(b) ADDITIONAL WEEKS FOR INDIVIDUALS IN NEED OF REMEDIAL EDUCATION.—Section 233 of the Trade Act of 1974 (19 U.S.C. 2293) is amended by adding at the end the following:

''(g) Notwithstanding any other provision of this section, in order to assist an adversely affected worker to complete training approved for the worker under section 236 which includes a program of remedial education (as described in section 236(a)(5)(D)), and in accordance with regulations prescribed by the Secretary, payments may be made as trade readjustment allowances for up to 26 additional weeks in the 26-week period that follows the last week of entitlement to trade readjustment allowances otherwise payable under this chapter.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to an individual receiving trade readjustment allowances pursuant to chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.) on or after January 1, 2001.

SEC. 103. EXPEDITED REVIEW OF PETITIONS BY SECRETARY OF LABOR.

Section 223(a) of the Trade Act of 1974 (19 U.S.C. 2273(a)) is amended in the first sentence by striking ''60 days'' and inserting ''40 days''.

SEC. 104. DECLARATION OF POLICY; SENSE OF CONGRESS.

(a) DECLARATION OF POLICY.—Congress reiterates that, under the trade adjustment assistance program under chapter 2 of title II of the Trade Act of 1974, workers are eligible for transportation, childcare, and healthcare assistance, as well as other related assistance under programs administered by the Department of Labor.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Labor, working independently and in conjunction with the States, should, in accordance with section 225 of the Trade Act of 1974, provide more specific information about benefit allowances, training, and other employment services, and the petition and application procedures (including appropriate filing dates) for such allowances, training, and services, under the trade adjustment assistance program under chapter 2 of title II of the Trade Act of 1974 to workers who are applying for, or are certified to receive, assistance under that program, including information on all other Federal assistance available to such workers.

TITLE II—ADJUSTMENT ASSISTANCE PROGRAM FOR WORKERS SEPARATED FROM EMPLOYMENT DUE TO THE TERRORIST ATTACKS OF SEPTEMBER 11, 2001

SEC. 201. ESTABLISHMENT OF PROGRAM.

As soon as practicable after the date of the enactment of this Act, the Secretary of Labor shall establish a program to provide adjustment assistance for workers separated from employment due to the terrorist attacks of September 11, 2001, in accordance with the provisions of this title.

SEC. 202. PETITION.

(a) PETITION.—A petition for a certification of eligibility to apply for adjustment assistance under this title may be filed with the Secretary by a group of workers (including workers in any agricultural firm or subdivision of an agricultural firm) or by their certified or recognized union or other duly authorized representative. Upon receipt of the petition, the Secretary shall promptly publish notice in the Federal Register that the Secretary has received the petition and initiated an investigation.

(b) PUBLIC HEARING.—If the petitioner, or any other person found by the Secretary to have a substantial interest in the proceedings, submits not later than 10 days after the date of the Secretary's publication under subsection (a) a request for a hearing, the Secretary shall provide for a public hearing and afford such interested persons an opportunity to be present, to produce evidence, and to be heard.

SEC. 203. CERTIFICATION.

(a) CERTIFICATION.—The Secretary shall certify a group of workers (including workers in any agricultural firm or subdivision of an agricultural firm) as eligible to apply for adjustment assistance under this title if the Secretary determines—

(1) that a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) that sales or production, or both, of such firm or subdivision have decreased absolutely; and

(3) that the national impact of the terrorist attacks of September 11, 2001, contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production, as determined by the Secretary.

(b) ADDITIONAL REQUIREMENTS.—The provisions of section 223 of the Trade Act of 1974 shall apply to a determination and issuance of a certification with respect to a group of workers under this title in the same manner and to the same extent as such provisions apply to a determination and issuance of a certification with respect to a group of workers under the program under subchapter A of chapter 2 of title II of such Act, to the extent determined to be appropriate by the Secretary.

(c) DEFINITION.—For purposes of subsection (a)(3), the term ''contributed importantly'' means a cause which is important but not necessarily more important than any other cause.

SEC. 204. BENEFITS.

Workers covered by a certification issued by the Secretary under section 203 shall be provided, in the same manner and to the same extent as workers covered under a certification under the program under subchapter A of chapter 2 of title II of the Trade Act of 1974, the benefits described in subchapter B of chapter 2 of title II of such Act, to the extent determined to be appropriate by the Secretary.

SEC. 205. ADMINISTRATION.

The provisions of subchapter C of chapter 2 of title II of the Trade Act of 1974 shall apply to the administration of the program under this title in the same manner and to the same extent as such provisions apply to the administration of the program under subchapter A of chapter 2 of title II of such Act, to the extent determined to be appropriate by the Secretary.

SEC. 206. DEFINITIONS.

In this title:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of Labor.

(2) TERRORIST ATTACKS OF SEPTEMBER 11, 2001.—The term ''terrorist attacks of September 11, 2001'' means the following events that occurred on September 11, 2001:

(A) The attack, using two hijacked commercial aircraft, that was made on the towers of the World Trade Center in New York City.

(B) The attack, using a hijacked commercial aircraft, that was made on the Pentagon.

(C) The hijacking of a commercial aircraft and the subsequent crash of the aircraft in the State of Pennsylvania, in the County of Somerset.

SEC. 207. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this title $2,000,000,000 for fiscal years 2002 and 2003.

(b) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a) are authorized to remain available until expended.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. THOMAS) and the gentleman from Michigan (Mr. LEVIN) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I asked for consideration of this bill, as amended, because the underlying bill, the Trade Adjustment Assistance Act, expired on October 1.

In the committee we passed as a placeholder, if you will, a simple extension of the bill, fully intending, once we understood the consequences of September 11 and our ability to make additional adjustments, that we would, as we are doing here today, offer amendments on the floor of the House.

So I would like to address, other than the simple reauthorization, what those amendments are.

The Trade Adjustment Assistance Act says that if one loses one's job primarily related to trade, they are to get assistance and retraining. The problem is the current structure says that they also get income support while they are being retrained. The income support runs out before the training ends, and what we are doing is reconciling the differences between the two.

But beyond that, because of the events on September 11, we believe that it is entirely appropriate to include in this bill, notwithstanding the fact that it is supposed to be tied to trade, an act for the Secretary of Labor to assess those individuals who lost their job through no fault of their own associated with the tragic events on September 11.

That declaration would be virtually identical to the declaration that she is currently empowered to exercise in the area of trade. And to assist her in doing this for the 2-year period of this provision, we provide $1 billion this year and $1 billion next year, a total of $2 billion.

There has been some discussion and, my assumption is, some confusion on the other side of the aisle on materials that have been prepared to describe what this measure does. It does not require an appropriation. The provisions of the Trade Adjustment Act are an entitlement, and when the money is made available, it is available. It is not a requirement that a second hurdle be met. It is not that we could give with one hand and take away with another.

Anyone who supports this measure can have comfort in knowing that it not only makes more sense out of the

assistance given to those who lose their jobs through trade, but for the next 2 years, those who were the unfortunate victims, from an employment point of view, because of September 11 will be able to have this assistance, as well.

In addition to that, since both the trade and the September 11 events are keyed to those who lost their job primarily associated with trade, we have discussed with the administration, and at the appropriate time I would like to place in the RECORD a letter from the Secretary of Labor who agrees that, although they may not have lost their job primarily because of the event, either trade or the tragedy of September 11, that there is additional support for those who secondarily lost their job, and that program is in place and will be used to expand the opportunities to assist people, even though they would not be classified under the primary trigger that is in this bill.

That is the sum and substance of what we have in front of us. It is a significant improvement in the underlying bill, and clearly, we have added this provision over 2 years at $1 billion a year to focus on those who lost their jobs not necessarily through trade, but because of the tragic events of September 11, and we allow the Secretary of Labor to make a decision similar to those who lost their jobs in trade.

The letter from the Secretary of Labor referred to earlier is as follows:

SECRETARY OF LABOR,
Washington, DC.

Hon. WILLIAM M. THOMAS,
Chairman, House Ways and Means Committee, U.S. House of Representatives, Washington, DC.

DEAR CHAIRMAN THOMAS: As you know, the Trade Adjustment Assistance (TAA) programs authorized income support and training for workers who are able to demonstrate that they lost their jobs because an increase in imports of a ''like or directly competitive product'' contributed importantly to the job loss. I understand that a number of workers, including those in the textile industry, have been unable to obtain certifications under the TAA programs because they are classified as ''secondary workers'' and do not produce a product ''like or directly competitive with'' the important product. As a result, these workers cannot meet the TAA standard.

Nevertheless, I recognize that these secondary workers may have also been adversely affected by a trade agreement. Accordingly, I commit to using my current authority under the Workforce Investment Act to provide national emergency grants that can be used to provide income support, training and other reemployment services to eligible workers in firms that are determined to be secondary workers. Eligible workers would be required to meet the following criteria: (1) the subject firm must be a supplier of products to a TAA certified firm under 19 U.S.C. 2272(a) that is directly affected by imports, and (2) the loss of business with the directly affected firm must have contributed importantly to worker separations at the subject firm.

I recognize that while trade agreements will result in net economic benefits and increased job opportunities, some workers may be adversely affected. It is our responsibility to assure that hardworking Americans have appropriate opportunities to adjust to trade-related changes to the workforce.

Sincerely,

ELAINE L. CHAO.

Mr. Speaker, I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill came before the Committee on Ways and Means. It did so in a way that did not allow us to add the reforms that are necessary for TAA.

Those reforms are many. Many of them have been recommended by GAO. Many of them are contained in the bill that is now in the Senate Finance Committee; actually, it is out of the Senate Finance Committee. Many of them are in a bill that has been introduced in this House. They relate to everything from the training provisions to wage insurance, to health insurance, to trade assistance for communities.

None of these are covered by this bill, so what we have before us is a reauthorization of TAA, with essentially two additions. One of them would allow the income maintenance to be for the same period as the training provision.

I am in favor of that, Mr. Speaker. Everybody should understand, however, that we are talking about a very small number of people who would be affected. As I understand it, less than 1 percent of those who are dislocated, or about 1 percent, would benefit from this provision.

The second relates to the $2 billion add-on. This was not discussed in the Committee on Ways and Means, and its implications remain unclear. I want to talk a bit about it substantively and raise a few questions.

But for everybody listening, I would say the following: We are going to be taking up a fast track TPA bill. One reason I think this bill is being brought up this morning this way is in case someone would like to use this as a reason to vote for a TPA fast track bill, I urge that there is no justification for using that as a reason.

TAA should have been expanded, and beyond what is being provided this morning. This morning is a quickie effort to move. It is inadequate. It has been called a small step, and that is, at best, what it is.

The gentleman from California (Mr. THOMAS), our chairman, has said that no appropriation is needed. While the language may not be clear, I accept that. Then we have the question of $2 billion. I think the gentleman from California (Mr. THOMAS) said it is $1 billion every year; it is not $2 billion each year. As a result, there is a good question as to how many people this will really cover.

When we look at the number of people who were dislocated before September 11 and add those who were dislocated after September 11, there is no way $1 billion is adequate funding for this program. That is another reason that is a small step at best.

Then there is the issue of the training benefit. As I understand, the TAA program caps the training benefit at $100 million. If that is true, what is going to happen with the way this is handled is that we will not have nearly adequate funds for the training component because that apparently is still capped. Maybe there can be clarification of that.

But as I understand it, the cap of $100 million remains, so essentially we are going to have a disequilibrium between the income provision and the training provision, and we are going to have many, many more people who might be eligible than was true before September 11. There is no provision for health insurance in this program.

Now, I want to say just a word about the issue of coverage, because one of the reforms that we should have been undertaking in this legislation, which is not even touched upon except perhaps indirectly, is who is covered. Will service workers be covered? Presently they are not, and it is not clear that they would be under this provision, because the TAA bill generally does not cover service workers.

The Secretary of Labor has said that secondary workers or, I should say, those who were laid off in a secondary way as a result of September 11, will become eligible under this program, I guess under rules and regulations that are promulgated by the Secretary. That leaves this program with much lack of clarity. There is no direction in this legislation as to how the Secretary of Labor should conduct herself and how she should implement the definition as she now sees it.

So this is a proposal that has come up at the last minute. These changes do not get at many of the basic issues of reform.

In terms of the relation of the training provision to the income provision, that has serious questions as to adequacy. Clearly it will not be adequate in terms of money, and it is not clear who would be covered.

I will leave it for further debate to clarify these issues. I hope that would happen, and then leave it for every Member to make a judgment. It may be that this is a tiny step forward. It should not be used as a rationale for a vote on any other bill.

Let us have a little bit of discussion now as to what is involved in this very small step when we should have been undertaking, as the Senate Finance Committee did a few days ago, some major reform of TAA.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

For what it is worth, for the record, the discussion and the vote in the committee on trade assistance was that it was a voice vote and no amendments were offered. I think we have to understand the context in which that discussion took place.

In addition to that, the gentleman from Michigan laments the fact that there is nothing in this particular provision for people who were laid off prior

to September 11. We have to understand that this particular structure is triggered off of an event, a trade-related job loss, and now we are extending it to the tragedy of September 11 job loss.

□ 1000

Not just any job loss. The President has spoken repeatedly on what he wants on an expanded assistance, including additional weeks, additional money, and additional assistance, not just on unemployment compensation but on health insurance as well. We on this side of the aisle, with the support of leadership, have also talked about expanding that area. That is in fact a different subject matter to be discussed at a different time. And this particular vehicle never was intended nor should it carry a response to unemployment because of a recession or a more generally difficult problem that spreads beyond the trigger of trade-related; and now for 2 years, those people who lost their jobs in association with the tragedy surrounding September 11.

Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. CRANE), the chairman of the Subcommittee on Trade.

Mr. CRANE. Mr. Speaker, I thank the chairman for yielding me time.

Mr. Speaker, H.R. 3008 is a bill to reauthorize the trade adjustment assistance programs for 2 years until September 30, 2003. The current authorization expired in September but is continuing subject to the continuing resolution adopted last month and running until November 16, 2001.

It is an economic fact that free trade helps our overall economy. The value of the Uruguay Round Agreements and NAFTA to the U.S. economy was over $65 billion. A recent study at the University of Michigan, right next to the gentleman from Michigan's district, found that a new round could add double again that benefit. The general direction of trade policy should therefore be obvious. We should work assiduously toward free trade.

Nevertheless, it is also a fact that free trade accelerates economic change, which disproportionately hurts some industries and people. It is important then for us to offer a hand to those people and industries. We should help them adjust. This means that workers may need to train for other types of jobs, and during that training and subsequent job search time, they may need more direct assistance than States routinely provide. Similarly, firms need assistance in making strategic adjustments necessary to remain competitive in a global economy. The trade adjustment assistance programs provide this help.

All three TAA programs have proven successful and popular in softening the impact of foreign competition on workers in impacted industries. Workers may receive cash payments, job training, and allowances for job search and relocation expenses. In addition, we have heard concerns from Members about the problems in their districts and the need to increase the direct assistance for workers in order for them to complete their training. Accordingly, we are increasing the direct assistance by an additional 26 weeks and shortening the time that the government has to process petitions.

Mr. Speaker, I encourage my colleagues to support this bill and reauthorize the trade adjustment assistance programs.

Mr. LEVIN. Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Speaker, whatever of the issues are in the trade adjustment bill, they are not the reason this bill is out here. This bill is out here as a vehicle for putting some things through the House that the chairman and others think will blind the eyes of Members of this House and will offer them some hope that there will be something done for the unemployed workers in this country, and that then they will say, well, since we have done that for the unemployed workers, we can now go ahead and pass fast track.

Now, the Speaker stood right here and promised us that we would do something about the health care and the unemployed workers of this country. When this bill came before the committee, every amendment was nongermane. No one said this is our chance to put unemployment up here. This is our chance to put up health care. It was a narrow little trade adjustment bill. And so now, after it gets out of the committee, they take it up to the Committee on Rules, and the Committee on Rules sticks in a bunch of stuff that nobody has looked at.

There is not anybody who can stand on this floor and say there will be one single unemployed worker in this country whose health care benefits will be protected by this bill. There is a bill that is going over to the Senate in the last days of the session, and we have had a recession in this country since March and we have not done anything, and we are here on the 5th of December, 6th of December, whatever it is, and we still have not had hearings in the House of Representatives on what really needs to be done to the unemployment system.

We have States in this country that do not have enough money for 3 months of unemployment benefits. Did we have a hearing on that? Did we talk about it? No. We have simply stuck $9 billion into a bill that went out of here, called the stimulus package, and said give it to the Governors; they will do whatever is right. Well, at least they figured out now that they want to make it done by the Congress, because Governors would have to call legislators into session to get anything done.

This is a fraud. This is a fraud. It has not had hearings, and you people have messed up the Medicare system in this country because you will not have hearings and figure out how it is going to work. And then suddenly since 1997, we are back every year fixing, fixing, fixing. Here's $2 billion for health; just throw it out there into the air and maybe it will happen to come down in the hands of somebody who is unemployed.

Give it to the Governors. Where is that going to get anybody?

We are all going to vote for this, but nobody should be confused about what this is.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I find it ironic that the gentleman says that every amendment they offered was nongermane. Would you not think, if they were serious, they could offer a germane amendment? It was basically to be able to say that they were not able to do what they wanted to do.

Then the next argument is what in the world is trade adjustment assistance, which expired on October 1, doing on the floor the same day we are taking up trade promotion authority? The idea if we do enter into additional negotiations and we have some trade agreements, that someone may lose employment based upon the fact that we have the new trade agreements and we would not have reauthorized the legislation that takes care of those who lose their jobs because of trade.

If the gentleman from Washington (Mr. MCDERMOTT) does not understand why trade adjustment assistance is on the floor on the same day that we consider trade promotion authority, then I just do not know if there is any help for him.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Washington (Ms. DUNN) who has been a tremendous help in focusing especially those portions of the bill dealing with workers who lost their jobs because of September 11.

Ms. DUNN. Mr. Speaker, I rise in support of H.R. 3008 to reauthorize the trade adjustment assistance program and to temporarily extend new coverage for workers who were impacted by September 11.

TAA is critical for countless workers who have been adversely affected by foreign competition or by terrorist attacks. Many of the people I represent in Washington State will benefit from the job training services and unemployment compensation that are provided by this provision.

In 1998 and 1999, TAA provided $10 million worth of benefits to over 19,000 Boeing workers who were laid off. Many of the 20,000 to 30,000 Boeing workers who have been or will be laid off by the end of next year can now qualify for assistance from the traditional TAA and the new expanded coverage. This bill enhances income support benefits for an additional 26 weeks and it shortens the petition review time from 60 days to 40 days. These are changes that will help reduce paperwork while providing a very necessary safety net to workers.

I want to assure the former speaker that I am very happy this legislation also includes provisions that the gentleman from Washington (Mr. DICKS) and I have added to ensure that States already providing supplemental unemployment coverage beyond the Federal mandates are not penalized.

Under current Federal law, Washington State residents could not use TAA benefits until the State's regular and supplemental unemployment benefits were exhausted. I want to thank the gentleman from California (Chairman THOMAS) and Subcommittee on Trade chairman, the gentleman from Illinois (Mr. CRANE) for working with the gentleman from Washington (Mr. DICKS) and me to give Washington State greater flexibility by enabling the people we represent to qualify for TAA much earlier.

We have got to do all we can, Mr. Speaker, to provide relief to those who are now coping with the very difficult circumstances that displaced workers face. This legislation is a positive step in providing much needed assistance to those who reside in the area. I represent the great Pacific Northwest. My constituents there are very eager to get back to work.

Mr. LEVIN. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. BENTSEN) who is the author of a comprehensive TAA bill in the House.

(Mr. BENTSEN asked and was given permission to revise and extend his remarks.)

Mr. BENTSEN. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, let me say I am going to vote for this bill, but this bill is a day late and a dollar short. This issue has been on the front burner, I think, of the whole trade debate for many, many years. And I think as the chairman and the ranking member know, there have been numerous articles in economic journals and academia about the whole issue of trade adjustment assistance.

This is a program that was created in 1962, and I cannot think of any program that was created in 1962 that somebody in Congress has not talked about the need to reform, and this program certainly needs reform. As best as I can tell from this bill, it does not address the issues of secondary workers in any clear-cut fashion or manner. It does not address the issue of allowing workers who we want to go back into retraining to get a part-time job to help put food on the table, which is really counter to every other public assistance program that we have addressed in the time I have been in this Congress.

It does not have anything to do with providing for better coordination between the Federal Government and State and local government, where a lot of these dollars are done through the work force training partnership programs that we have.

We had a situation a couple of years ago in El Paso, Texas where Hasbro had shut down plants, and they took TAA money and were teaching workers English instead of giving them skills to work in light manufacturing which needed jobs in the El Paso area, which is very much a bilingual area.

This bill, quite frankly, does not do enough. I am one who in the past has supported I think every trade bill that has come up. And every time I have done that, I have said we need to do more to help those who do not win from trade. And I am not alone in this view. A few weeks ago, the Chairman of the Federal Reserve, Alan Greenspan, very much a free trader, made remarks at the International Institute for Economics at their inaugural dinner. In that debate, the chairman said that trade is not necessarily about increasing a net gain of jobs, it is about raising the standard of living, and there are those who lose from comparative advantage even in the United States and that we have to do more to help those workers who fall behind.

This bill, quite frankly, does not do enough. If we were serious about doing this, we would bring up my bill, 3359; or the chairman can do his own bill, put it on the floor, let us debate it. This is a serious program that affects millions of Americans who do not benefit from trade. I believe the general economy can benefit from trade, but there are fellow Americans who do not. We should be doing more about it. This bill does not do it. There is a better way to do it.

I would hope that the House would get back on the right track as it relates to trade and address the issues so all our fellow Americans can benefit from this.

Mr. THOMAS. Mr. Speaker, I yield 4 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON), the sponsor of this legislation.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise in strong support of this legislation and I am interested that so many of my colleagues are criticizing the process by which it came to the floor or criticizing the fact that it does not do enough.

This is the first time in the history of this country that Congress has offered 2 years of stipend plus training costs to the unemployed. It is the first time. And those benefits are over and above the half-year of unemployment compensation benefits under current law.

The Democrats were in control of this House for 40 years. Never ever did they offer this kind of benefit to people unemployed as a result of foreign competition and, in this case, we are extending these remarkable benefits to those who lost their jobs as a result of a terrorist action as well.

Now, we need to lay our controversies aside and vote this through. This is an exceptional benefit for people who were unemployed as a result of foreign competition or as a result of the attack on September 11.

□ 1015

Let me tell my colleagues what it means. Remember your own people in your own district. Unemployment compensation is a small amount of money, and the unemployed have to keep going out and proving that they are looking for a job. Under TAA we said, look, you have the right for retraining and you will not have to go out and look for a job during this period. We are going to pay their unemployment comp so they have a way to support their family and we are going to pay for their training.

I have had people tell me in my district, as recently as 4 months ago, that, no, they were not looking for a job because under TAA, they had the right to go back to school. I just heard the gentleman from Texas (Mr. BENTSEN) say that they were teaching English as a second language. Is not that an incredibly important thing for a person to be able to have the opportunity to learn if they want real career advancement?

I have had many people, particularly women, tell me it is wonderful that I can go back and get my high school diploma. I can learn English as a second language and I am going to take this training, too, because in the period of time in which I can get training costs and a stipend, I can change my life.

Often people, at least in my district, go from high school into the factories or from very minimal education into the factories, and I will tell my colleagues that for many of them, often their company losing its competitive position, resulting in their having the TAA benefits, has changed their lives. They do not have to take the next job if they can afford to live on unemployment comp, which they often can if the other spouse is working, and go back to school. The joy in their eyes, as they have the chance to learn English, as they have the chance to get a degree, as they can go to the community college, as they can go to a medical technology course to prepare for a career that will offer them a higher salary and a lifestyle they are going to be proud of and happy with.

This is the first time ever in history that the United States Government has offered people 104 weeks of this benefit. I appreciate all the ancillary concerns of my colleagues, but do not let those ancillary concerns and the angers that are afoot in this body between this body and the other body prevent us from putting out there this kind of benefit that is going to help people at a level we have never been willing to help them before.

Let me just add one thing about the September 11th victims, those unemployed as a result of the September 11 attack. It is very hard, to determine in law exactly who is unemployed as a result of foreign competition as to determine who is unemployed as a result of the New York attack. Our Department of Labor has been very generous in their definitions and I believe will continue to be very generous in making people eligible for these benefits.

I have had a lot of experience with this in Connecticut. I represent a town that was all machine tools, bearings. Name the manufacturing facility and it used to be in my hometown, and I have been through this right up till recent years. The Department of Labor has been very open about it. They have been very generous about the definition, and people have benefited enormously, and I believe they will be the same kind of good helpmate in identifying who exactly the September 11 unemployed are. I urge support of this bill.

Mr. LEVIN. Mr. Speaker, could I ask how much time is remaining on both sides?

The SPEAKER pro tempore (Mr. ISAKSON). The gentleman from Michigan (Mr. LEVIN) has 6 minutes. The gentleman from California (Mr. THOMAS) has 5½ minutes.

Mr. LEVIN. Mr. Speaker, it is my pleasure to yield 2 minutes to the very distinguished gentleman from Maine (Mr. BALDACCI).

Mr. BALDACCI. Mr. Speaker, I would like to thank the gentleman from Michigan (Mr. LEVIN) for yielding me the time and also for the work put into this.

We talk about trade agreements and we talk about the global economy, but every once in a while we need to make sure that we have a rearview mirror and that the rearview mirror is clearly focused to understand people who get left behind.

This program is one of the programs that assists people that get left behind and those relationships that we establish, and that is why it is vitally important to make sure that the resources are there and the tools are there so that people can have another opportunity, can get the training and education necessary.

In our own State of Maine, we faced these challenges of losing jobs in traditional manufacturing industries and this year has been no exception. There were 19 different applications for trade adjustment assistance awaiting review for Maine companies. This program has helped over 1,000 workers in Maine every year to retrain and restart their lives. It allows the workers to adapt to the 21st century economy while extending a crucial helping hand during troubled times.

I do wish that the bill had gone further in expanding this valuable program. The TAA law should be changed to be able to cover all forms of production shifts to other countries. The funding for the program needed to be more because it usually runs out of money for its training budget. This past year the Maine Department of Labor had to apply for $1.2 million in national emergency grants from the U.S. Department of Labor to cover costs. So we need to be able to look at expanding funding to ensure this.

However, although this bill is not perfect, the program is important to workers in Maine and around the country, and I urge my colleagues to vote for its reauthorization.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from New York (Mr. HOUGHTON), who has experience in this area both within and without Congress.

Mr. HOUGHTON. Mr. Speaker, trade is a tricky business. What we are trying to do is go beyond the bounds of the United States and move into other areas, and this is very, very important. We are going to be talking about this later, because there are people who want our goods and services, but in the process, it is an uneven balancing act and people either in government or in business management can make decisions as far as going abroad. Yet at the same time there are people down in the system who are doing their best to be able to work diligently, loyally, who have no control over that.

Sometimes the squeeze comes because of the imbalance in this process and they need protection, and this is what the bill is all about.

I think it makes a great deal of sense. I think the conditions are fine. Maybe we will be able to enrich it later on, but it is a good start, and I heartily endorse the TAA bill H.R. 3008.

Mr. LEVIN. Mr. Speaker, I yield 2 minutes to the very distinguished gentleman from South Carolina (Mr. SPRATT).

(Mr. SPRATT asked and was given permission to revise and extend his remarks.)

Mr. SPRATT. Mr. Speaker, I come from textile country, and I have seen the effects of imports upon jobs in the area where I live, $77 billion trade deficit in textiles and apparel last year. Over the last 10 years, we have lost about a million jobs in textile and apparel, and I can tell my colleagues, from my own district, my own State, from the Carolinas to the southeast, only a minute percentage of these people who have lost their jobs have been able to get trade adjustment assistance benefits.

That is a hard truth. We have heard these benefits extolled here on the floor, but in truth, very, very few people qualify for them.

It is shameful how little we do for the people we know are going to be hurt by the trade policies that we adopt, and anybody who thinks that this is going to make it easier to vote for fast track, easier to vote for trade promotion authority, they better think again, because this bill is a pittance. This bill will do very little. It does nothing to expand the eligibility of these people we know are going to be direct hits. They are not collateral casualties in this war. They are direct hits.

We know when we lower the tariffs, get rid of the quotas, that textiles are going to come flooding into our markets by an even greater volume and quantity, and we know exactly who is going to be hurt and who is going to be hit. No question about it, they are direct hits.

We say that we have got these benefits for them so they can have this marvelous change of life, this midcourse adjustment, but in truth, they have still got a house payment to make. They have still got car payments to make, and I know from talking to countless textile workers in my own district, very, very few of them, if they have it, can afford to exercise their COBRA benefits out of the meager unemployment income that they receive.

This is a mirage. Worse still, it is deceitful. It holds out that we are doing something significant when there is an agenda full of changes recommended to TAA that should start with the Department of Labor, which is woefully, woefully understaffed to handle the volume of applications under TAA. This is a pittance compared to what needs to be done, and we should be ashamed that we are bringing this up in the name of helping people who are going to be hurt by trade.

Mr. THOMAS. Mr. Speaker, I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Speaker, is it the gentleman from Michigan's understanding that the intention of this bill is to make benefits available for Boeing workers who have been laid off after September 11 and for 100,000 airline employees who have been laid off since September 11?

Mr. LEVIN. Mr. Speaker, will the gentleman yield?

Mr. MCDERMOTT. I yield to the gentleman from Michigan.

Mr. LEVIN. It is not easy to read this bill, but I think so.

Mr. MCDERMOTT. Mr. Speaker, the gentleman from Michigan thinks so? So I have got to go home to my district and tell my people they might be covered by this, it is not clear?

Mr. LEVIN. It is not clear, and indeed, there will have to be regulations issued by the Department of Labor in terms of those who are affected secondarily.

Mr. MCDERMOTT. Mr. Speaker, I think that is why this bill is really a fraud. It seems to do something for people but it is not clear. It is subject to interpretation by the Department of Labor.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

In the earlier reincarnation of the gentleman from Washington's statement on the floor, he indicated that he was going to be supporting the bill. I do not know what happened in the intervening moments, but apparently he is now supporting a fraud.

The question that was offered to the gentleman from Michigan (Mr. LEVIN), I believe, should have been answered this way. Do the Boeing employees and do the airline employees believe that the events of September 11, which included the government mandatory grounding of aircraft, the significant

reduction in income to airlines, and their subsequent requirement to cancel airplane contracts, primarily tie to the September 11 event? If the gentleman from Michigan (Mr. LEVIN) is so bemuddled about trying to read this bill, that he could not answer yes to that question, then his answer was a political one and not an honest one.

Mr. CRANE. Mr. Speaker, will the gentleman yield?

Mr. THOMAS. I yield to the gentleman from Illinois.

Mr. CRANE. Mr. Speaker, the distinguished gentleman from Washington (Mr. MCDERMOTT), is a former Illinoisan and from the Chicago area, and I know that Boeing has moved to Chicago, and we are not laying folks off in Chicago, and I just wanted to find out if the gentleman from Washington (Mr. MCDERMOTT) was in any way involved in trying to get them to move to God's country.

Mr. THOMAS. Mr. Speaker, I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, how much time do I have, 1½ minutes?

The SPEAKER pro tempore. The gentleman from Michigan has 1½ minutes.

Mr. LEVIN. Mr. Speaker, I yield myself as much time as I may consume.

Let me just read what the standard is so that instead of the gentleman from California (Mr. THOMAS), as he sometimes does question motives, let us talk about what is in the law. It says for whom in, ''The national impact of the terrorist attacks on September 11 contributed importantly to their job loss.''

If anybody thinks that is a very clear standard, I ask them to think twice. It is better than nothing, but do not parade it for what it is not. I want to close by pointing out that in order for persons to be eligible for this, they must be eligible for unemployment insurance first. Less than 40 percent, and maybe it is only about a third of the workers in this country qualify for unemployment compensation in their State, and also, less than a fifth of low income workers qualify, including many in the services industry.

So what this has is not only a small amount of money for what is truly needed, not only does it have no other reforms, nothing for health care, but it is not going to cover a huge number of people who were affected by the September 11 tragedy, who clearly were affected. I just want everybody to understand what this bill really is and make no pretense that it is a reason to vote for any other bill.

□ 1030

Mr. THOMAS. How much time do I have remaining, Mr. Speaker?

The SPEAKER pro tempore (Mr. ISAKSON). The gentleman from California has 3 minutes remaining.

Mr. THOMAS. Mr. Speaker, I yield myself the balance of my time.

The name of this legislation is trade adjustment assistance. It is not undifferentiated unemployment compensation. There is another whole set of statutes, procedures, and funding to deal with unemployment in general. This measure's title is Trade Adjustment Assistance.

What we have done is to expand this bill to cover those individuals who, through no fault of their own, in a way in which they can show a nexus, and the gentleman from Michigan is entirely correct, that the loss of their job was a result of a contribution importantly tied to the September 11 event.

The gentleman then went on to complain about a number of other factors in which people are not eligible for unemployment in general. Not that it is tied to trade or the September 11 event, but that he is concerned about, in general, the failure of the unemployment insurance program to reach out to more people. We are going to have ample opportunity to deal with that in a larger context. The President has spoken to that issue. We have voted on that issue in this body in the stimulus package, and we have said we are willing to go far beyond what had been offered previously. That is not what is in front of us.

And I will repeat my understanding of the question of the gentleman from Washington. Because of the way in which the tragedy on September 11 occurred, the government ordered all planes grounded. The airlines suffered significant financial losses that resulted in the release of employees that otherwise would not have been released, and it resulted in the cancellation of airplane purchase contracts that otherwise would not have occurred. What we are expected to believe is that the Secretary of Labor would have great difficulty in associating those two events, the two events that the gentleman from Washington is concerned would not be covered by this legislation; that the Secretary of Labor would say neither of those qualify under this legislation.

I will tell the gentleman from Washington, I believe they do, and I will do everything in my power to make sure that the Secretary of labor says that those who lost their jobs because airplane contracts were canceled by airlines who had a shrinking in revenue because the government said they could not fly, and they released employees because of that same circumstance, certainly would be able to say that the loss of their jobs and the events associated with September 11 contributed importantly to the loss of those jobs. Those hurdles are not difficult ones to overcome.

Beyond that, we need to continue to work together, quit haranguing, and make sure that people who are currently unemployed, and who will become unemployed because the House has acted and the Senate has not on the larger questions, need to be preserved for another day.

On this measure, I urge my colleagues to vote ''aye.'' It is better than it has ever been before.

Mr. RYAN of Wisconsin. Mr. Speaker, today I would like to rise in support of the reauthorization of the Trade Adjustment Assistance program.

Over the last 5 years, even as the economy in the rest of the country was booming, the manufacturing economy in Southeastern Wisconsin has been declining. While there are many companies in my district that could not survive without international trade, some companies have moved their operations outside U.S. borders. This is unfortunate for both the workers and the economy of Southeastern Wisconsin. TAA offers a way to buffer the transition.

The relocation of Southeastern Wisconsin companies outside the U.S. border has been constant over the past decade. In my 3-year tenure, I have seen the MacWhyte Co. of Kenosha shift production to Canada, Outboard Marine Corp. of Beloit go bankrupt, and Acme Die Casting of Racine shut down because of foreign competition. These companies, and several others over the years have applied for and have been granted either TAA and NAFTA–TAA, or both, for their workers. While TAA is not the same as a stable job, it gives workers a chance to access valuable job training while receiving expanded state unemployment insurance or an $800 relocation expense reimbursement if the worker decides his skills are valuable at another company elsewhere.

TAA for workers guarantees extended unemployment benefits and job training to those left jobless when imported goods have contributed significantly to their job loss. A similar program exists for workers affected by the North American Free Trade Agreement (NAFTA) when American firms relocate production to Mexico or Canada. H.R. 3008 reauthorizes TAA and NAFTA–TAA through FY2003. This bill extends direct benefits for an 26 additional weeks over the previous 78 weeks to total 104 weeks of both training and direct benefits. I supported this bill when it passed the Ways and Means Committee and support it today. I also voted in favor of an appropriation of $416 million in H.R. 3061, the FY2002 Labor, Health and Human Services and Education Appropriations bill.

Mr. Speaker, reauthorization of TAA and NAFTA–TAA is in the interest of the United States and, especially to those workers in Southeastern Wisconsin that have lost their livelihood as a result of international pressures. I am proud to be a co-sponsor and strong supporter of this bill.

Mr. BENTSEN. Mr. Speaker, I rise in support of this bill, which provides a two-year reauthorization of the Trade Adjustment Assistance program. While I am pleased that Ways and Means Committee worked to increase direct benefits to trade displaced workers and new benefit coverage to workers affected by the September 11th terrorist attacks, I am disappointed that the broader reauthorization provisions contained in a bill I introduced were not included in this legislation.

With my colleague ANNA ESHOO, I was pleased to offer H.R. 3359, which is the House version of legislation offered by Senators BINGAMAN, BAUCUS and DASCHLE as S. 1209, and was recently reported out of the Senate Finance Committee. H.R. 3359 would enact real reform and modification of the existing TAA program, which has been in existence since 1962 to help workers and communities address the difficulties presented by international trade. I wish the House Leadership

had seen fit to consider this critical legislation, and I reman hopeful that many provisions of this bill will be adopted during conference consideration following the expected adoption of S. 1209.

Today we are here to consider the need for increased attention to the plight of workers affected by U.S. supported international trade agreements. As someone who has supported pro-trade measures in the past, I believe the negative effects on workers and communities has been often overlooked by proponents in the trade debate. Regardless of how each Member of Congress feels about globalization and free trade, I believe there is general agreement that the existing federal program to assist workers displaced by trade is outdated and in serious need of reform.

The current TAA program contains benefits criteria that are too restrictive; exclude too many workers; are inconsistent and contain confusing regulations—including a separate program under NAFTA; provide inadequate funding for job training, and lacks health care coverage.

My bill would improve on the current TAA in a number of ways, including the establishment of allowance, training, relocation and support service assistance to workers affected by shifts in production. The measures would also harmonize existing TAA programs to provide more effective and efficient results for individuals and communities. The legislation would facilitate on-the-job training and faster reemployment for older workers by providing up to two years in wage insurance for qualified workers over age 50. Additionally, income maintenance would be increased from 52 to 78 weeks, and funds available for training would be increased to ensure that workers taking part-time jobs would not lose training benefits. H.R. 3359 would also provide a tax credit for 50 percent of COBRA payments, increase assistance for job relocation and link TAA recipients to child care and health care benefits under existing programs. To help communities respond to job losses more quickly and efficiently, this bill would encourage greater cooperation between federal, state, regional, and local agencies that deal with individuals receiving trade adjustment assistance.

Mr. Speaker, as we move toward consideration of the Trade Promotion Authority later today, I believe we must not discount the effect of trade to the American workers. I believe we can improve the trade adjustment assistance programs in a fundamental and beneficial way. Congress should pass legislation that will make these improvements in the trade adjustment assistance program, and I ask my colleagues to support this bill.

Mr. DICKS. Mr. speaker, I strongly support H.R. 3008, the reauthorization of the Trade Adjustment Act, which is a vital program to help those workers who have lost their jobs due to increased imports. TAA gives these displaced workers the best chance for new employment opportunities. The program provides retraining, education, job search assistance, and income support to get people through the trials of unemployment and toward a new job.

I want to commend Chairman THOMAS and Ranking Member RANGEL for including in this bill additional benefits to reflect the economic consequences of September 11. These workers, including many in Washington State, suddenly were left jobless due to the terrorist attacks and I am glad that this bill will help them. However, we need to provide even more benefits for all jobless Americans whatever the cause of their unemployment.

And finally, my deepest gratitude goes to Chairman THOMAS and Ranking Member RANGEL for including a provision in H.R. 3008 to correct a problem that penalizes Washington and other States with supplemental unemployment programs for displaced workers who are being retrained. Congresswoman DUNN and myself brought to their attention the fact that TAA benefits would be delayed in States like Washington that have taken the forward-looking step of creating their own supplemental retraining programs. It makes no sense to put Washington and these other States at a disadvantage because they have decided to provide their displaced workers with additional help. I am grateful that Chairman THOMAS and Ranking Member RANGEL understood the unfairness of this situation and agreed to correct it.

Mr. THOMAS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. THOMAS) that the House suspend the rules and pass the bill, H.R. 3008, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. THOMAS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CUSTOMS BORDER SECURITY ACT OF 2001

Mr. THOMAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3129) to authorize appropriations for fiscal years 2002 and 2003 for the United States Customs Service for antiterrorism, drug interdiction, and other operations, for the Office of the United States Trade Representative, for the United States International Trade Commission, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3129

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Customs Border Security Act of 2001''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

TITLE I—UNITED STATES CUSTOMS SERVICE

Subtitle A—Drug Enforcement and Other Noncommercial and Commercial Operations

SEC. 101. AUTHORIZATION OF APPROPRIATIONS FOR NONCOMMERCIAL OPERATIONS, COMMERCIAL OPERATIONS, AND AIR AND MARINE INTERDICTION.

(a) NONCOMMERCIAL OPERATIONS.—Section 301(b)(1) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)) is amended—

(1) in subparagraph (A) to read as follows: ''(A) $899,121,000 for fiscal year 2002.''; and

(2) in subparagraph (B) to read as follows:
''(B) $922,405,000 for fiscal year 2003.''.
(b) COMMERCIAL OPERATIONS.—
(1) IN GENERAL.—Section 301(b)(2)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(2)(A)) is amended—
(A) in clause (i) to read as follows:
''(i) $1,606,068,000 for fiscal year 2002.''; and
(B) in clause (ii) to read as follows:
''(ii) $1,647,662,000 for fiscal year 2003.''.
(2) AUTOMATED COMMERCIAL ENVIRONMENT COMPUTER SYSTEM.—Of the amount made available for each of fiscal years 2002 and 2003 under section 301(b)(2)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(2)(A)), as amended by paragraph (1), $308,000,000 shall be available until expended for each such fiscal year for the development, establishment, and implementation of the Automated Commercial Environment computer system.
(3) REPORTS.—Not later than 90 days after the date of the enactment of this Act, and not later than each subsequent 90-day period, the Commissioner of Customs shall prepare and submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report demonstrating that the development and establishment of the Automated Commercial Environment computer system is being carried out in a cost-effective manner and meets the modernization requirements of title VI of the North American Free Trade Agreement Implementation Act.
(c) AIR AND MARINE INTERDICTION.—Section 301(b)(3) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(3)) is amended—
(1) in subparagraph (A) to read as follows:
''(A) $181,860,000 for fiscal year 2002.''; and
(2) in subparagraph (B) to read as follows:
''(B) $186,570,000 for fiscal year 2003.''.
(d) SUBMISSION OF OUT-YEAR BUDGET PROJECTIONS.—Section 301(a) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(a)) is amended by adding at the end the following:
''(3) By not later than the date on which the President submits to Congress the budget of the United States Government for a fiscal year, the Commissioner of Customs shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the projected amount of funds for the succeeding fiscal year that will be necessary for the operations of the Customs Service as provided for in subsection (b).''.

SEC. 102. ANTITERRORIST AND ILLICIT NARCOTICS DETECTION EQUIPMENT FOR THE UNITED STATES-MEXICO BORDER, UNITED STATES-CANADA BORDER, AND FLORIDA AND THE GULF COAST SEAPORTS.

(a) FISCAL YEAR 2002.—Of the amounts made available for fiscal year 2002 under section 301(b)(1)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(A)), as amended by section 101(a) of this Act, $90,244,000 shall be available until expended for acquisition and other expenses associated with implementation and deployment of antiterrorist and illicit narcotics detection equipment along the United States-Mexico border, the United States-Canada border, and Florida and the Gulf Coast seaports, as follows:
(1) UNITED STATES-MEXICO BORDER.—For the United States-Mexico border, the following:
(A) $6,000,000 for 8 Vehicle and Container Inspection Systems (VACIS).
(B) $11,200,000 for 5 mobile truck x-rays with transmission and backscatter imaging.
(C) $13,000,000 for the upgrade of 8 fixed-site truck x-rays from the present energy level of 450,000 electron volts to 1,000,000 electron volts (1–MeV).
(D) $7,200,000 for 8 1–MeV pallet x-rays.
(E) $1,000,000 for 200 portable contraband detectors (busters) to be distributed among ports where the current allocations are inadequate.
(F) $600,000 for 50 contraband detection kits to be distributed among all southwest border ports based on traffic volume.
(G) $500,000 for 25 ultrasonic container inspection units to be distributed among all ports receiving liquid-filled cargo and to ports with a hazardous material inspection facility.
(H) $2,450,000 for 7 automated targeting systems.
(I) $360,000 for 30 rapid tire deflator systems to be distributed to those ports where port runners are a threat.
(J) $480,000 for 20 portable Treasury Enforcement Communications Systems (TECS) terminals to be moved among ports as needed.
(K) $1,000,000 for 20 remote watch surveillance camera systems at ports where there are suspicious activities at loading docks, vehicle queues, secondary inspection lanes, or areas where visual surveillance or observation is obscured.
(L) $1,254,000 for 57 weigh-in-motion sensors to be distributed among the ports with the greatest volume of outbound traffic.
(M) $180,000 for 36 AM traffic information radio stations, with 1 station to be located at each border crossing.
(N) $1,040,000 for 260 inbound vehicle counters to be installed at every inbound vehicle lane.
(O) $950,000 for 38 spotter camera systems to counter the surveillance of customs inspection activities by persons outside the boundaries of ports where such surveillance activities are occurring.
(P) $390,000 for 60 inbound commercial truck transponders to be distributed to all ports of entry.
(Q) $1,600,000 for 40 narcotics vapor and particle detectors to be distributed to each border crossing.
(R) $400,000 for license plate reader automatic targeting software to be installed at each port to target inbound vehicles.
(2) UNITED STATES-CANADA BORDER.—For the United States-Canada border, the following:
(A) $3,000,000 for 4 Vehicle and Container Inspection Systems (VACIS).
(B) $8,800,000 for 4 mobile truck x-rays with transmission and backscatter imaging.
(C) $3,600,000 for 4 1–MeV pallet x-rays.
(D) $250,000 for 50 portable contraband detectors (busters) to be distributed among ports where the current allocations are inadequate.
(E) $300,000 for 25 contraband detection kits to be distributed among ports based on traffic volume.
(F) $240,000 for 10 portable Treasury Enforcement Communications Systems (TECS) terminals to be moved among ports as needed.
(G) $400,000 for 10 narcotics vapor and particle detectors to be distributed to each border crossing based on traffic volume.
(3) FLORIDA AND GULF COAST SEAPORTS.—For Florida and the Gulf Coast seaports, the following:
(A) $4,500,000 for 6 Vehicle and Container Inspection Systems (VACIS).
(B) $11,800,000 for 5 mobile truck x-rays with transmission and backscatter imaging.
(C) $7,200,000 for 8 1–MeV pallet x-rays.
(D) $250,000 for 50 portable contraband detectors (busters) to be distributed among ports where the current allocations are inadequate.
(E) $300,000 for 25 contraband detection kits to be distributed among ports based on traffic volume.
(b) FISCAL YEAR 2003.—Of the amounts made available for fiscal year 2003 under section 301(b)(1)(B) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(B)), as amended by section 101(a) of this Act, $9,000,000 shall be available until expended for the maintenance and support of the equipment and training of personnel to maintain and support the equipment described in subsection (a).
(c) ACQUISITION OF TECHNOLOGICALLY SUPERIOR EQUIPMENT; TRANSFER OF FUNDS.—
(1) IN GENERAL.—The Commissioner of Customs may use amounts made available for fiscal year 2002 under section 301(b)(1)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(A)), as amended by section 101(a) of this Act, for the acquisition of equipment other than the equipment described in subsection (a) if such other equipment—
(A)(i) is technologically superior to the equipment described in subsection (a); and
(ii) will achieve at least the same results at a cost that is the same or less than the equipment described in subsection (a); or
(B) can be obtained at a lower cost than the equipment described in subsection (a).
(2) TRANSFER OF FUNDS.—Notwithstanding any other provision of this section, the Commissioner of Customs may reallocate an amount not to exceed 10 percent of—
(A) the amount specified in any of subparagraphs (A) through (R) of subsection (a)(1) for equipment specified in any other of such subparagraphs (A) through (R);
(B) the amount specified in any of subparagraphs (A) through (G) of subsection (a)(2) for equipment specified in any other of such subparagraphs (A) through (G); and
(C) the amount specified in any of subparagraphs (A) through (E) of subsection (a)(3) for equipment specified in any other of such subparagraphs (A) through (E).

SEC. 103. COMPLIANCE WITH PERFORMANCE PLAN REQUIREMENTS.

As part of the annual performance plan for each of the fiscal years 2002 and 2003 covering each program activity set forth in the budget of the United States Customs Service, as required under section 1115 of title 31, United States Code, the Commissioner of Customs shall establish performance goals, performance indicators, and comply with all other requirements contained in paragraphs (1) through (6) of subsection (a) of such section with respect to each of the activities to be carried out pursuant to section 102.

Subtitle B—Child Cyber-Smuggling Center of the Customs Service

SEC. 111. AUTHORIZATION OF APPROPRIATIONS FOR PROGRAM TO PREVENT CHILD PORNOGRAPHY/CHILD SEXUAL EXPLOITATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Customs Service $10,000,000 for fiscal year 2002 to carry out the program to prevent child pornography/child sexual exploitation established by the Child Cyber-Smuggling Center of the Customs Service.
(b) USE OF AMOUNTS FOR CHILD PORNOGRAPHY CYBER TIPLINE.—Of the amount appropriated under subsection (a), the Customs Service shall provide 3.75 percent of such amount to the National Center for Missing and Exploited Children for the operation of the child pornography cyber tipline of the Center and for increased public awareness of the tipline.

Subtitle C—Miscellaneous Provisions

SEC. 121. ADDITIONAL CUSTOMS SERVICE OFFICERS FOR UNITED STATES-CANADA BORDER.

Of the amount made available for fiscal year 2002 under paragraphs (1) and (2)(A) of section 301(b) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C.

2075(b)), as amended by section 101 of this Act, $28,300,000 shall be available until expended for the Customs Service to hire approximately 285 additional Customs Service officers to address the needs of the offices and ports along the United States-Canada border.

SEC. 122. STUDY AND REPORT RELATING TO PERSONNEL PRACTICES OF THE CUSTOMS SERVICE.

(a) STUDY.—The Commissioner of Customs shall conduct a study of current personnel practices of the Customs Service, including an overview of performance standards and the effect and impact of the collective bargaining process on drug interdiction efforts of the Customs Service and a comparison of duty rotation policies of the Customs Service and other Federal agencies that employ similarly-situated personnel.

(b) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Commissioner of Customs shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report containing the results of the study conducted under subsection (a).

SEC. 123. STUDY AND REPORT RELATING TO ACCOUNTING AND AUDITING PROCEDURES OF THE CUSTOMS SERVICE.

(a) STUDY.—(1) The Commissioner of Customs shall conduct a study of actions by the Customs Service to ensure that appropriate training is being provided to Customs Service personnel who are responsible for financial auditing of importers.

(2) In conducting the study, the Commissioner—

(A) shall specifically identify those actions taken to comply with provisions of law that protect the privacy and trade secrets of importers, such as section 552(b) of title 5, United States Code, and section 1905 of title 18, United States Code; and

(B) shall provide for public notice and comment relating to verification of the actions described in subparagraph (A).

(b) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Commissioner of Customs shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report containing the results of the study conducted under subsection (a).

SEC. 124. ESTABLISHMENT AND IMPLEMENTATION OF COST ACCOUNTING SYSTEM; REPORTS.

(a) ESTABLISHMENT AND IMPLEMENTATION.—

(1) IN GENERAL.—Not later than September 30, 2003, the Commissioner of Customs shall, in accordance with the audit of the Customs Service's fiscal years 2000 and 1999 financial statements (as contained in the report of the Office of the Inspector General of the Department of the Treasury issued on February 23, 2001), establish and implement a cost accounting system for expenses incurred in both commercial and noncommercial operations of the Customs Service.

(2) ADDITIONAL REQUIREMENT.—The cost accounting system described in paragraph (1) shall provide for an identification of expenses based on the type of operation, the port at which the operation took place, the amount of time spent on the operation by personnel of the Customs Service, and an identification of expenses based on any other appropriate classification necessary to provide for an accurate and complete accounting of the expenses.

(b) REPORTS.—Beginning on the date of the enactment of this Act and ending on the date on which the cost accounting system described in subsection (a) is fully implemented, the Commissioner of Customs shall prepare and submit to Congress on a quarterly basis a report on the progress of implementing the cost accounting system pursuant to subsection (a).

SEC. 125. STUDY AND REPORT RELATING TO TIMELINESS OF PROSPECTIVE RULINGS.

(a) STUDY.—The Comptroller General shall conduct a study on the extent to which the Office of Regulations and Rulings of the Customs Service has made improvements to decrease the amount of time to issue prospective rulings from the date on which a request for the ruling is received by the Customs Service.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report containing the results of the study conducted under subsection (a).

(c) DEFINITION.—In this section, the term ''prospective ruling'' means a ruling that is requested by an importer on goods that are proposed to be imported into the United States and that relates to the proper classification, valuation, or marking of such goods.

SEC. 126. STUDY AND REPORT RELATING TO CUSTOMS USER FEES.

(a) STUDY.—The Comptroller General shall conduct a study on the extent to which the amount of each customs user fee imposed under section 13031(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)) is commensurate with the level of services provided by the Customs Service relating to the fee so imposed.

(b) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report in classified form containing—

(1) the results of the study conducted under subsection (a); and

(2) recommendations for the appropriate amount of the customs user fees if such results indicate that the fees are not commensurate with the level of services provided by the Customs Service.

SEC. 127. FEES FOR CUSTOMS INSPECTIONS AT EXPRESS COURIER FACILITIES.

(a) CUSTOMS USER FEES.—Section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c) is amended as follows:

(1) Subsection (a) is amended—

(A) by redesignating paragraphs (7) through (10) as paragraphs (8) through (11), respectively;

(B) by inserting after paragraph (6) the following new paragraph:

''(7) For the processing of merchandise that is informally entered or released at a centralized hub facility or an express consignment carrier facility (other than shipments valued at $200 or less, which shall not be subject to any fee under this subsection), $5.50''; and

(C) in the last sentence of paragraph (11), as so redesignated, by striking ''subparagraphs (A), (B), and (C),'' and inserting ''subparagraphs (A) and (B), see paragraph (7), and at facilities referred to in subparagraph (C),''.

(2) Subsection (b) is amended—

(A) in paragraph (5), by striking ''(8)'' and inserting ''(9)'';

(B) in paragraph (6)—

(i) by striking ''(a)(8)'' and inserting ''(a)(9)''; and

(ii) by striking ''(8)'' and inserting ''(9)'';

(C) in paragraph (8)—

(i) in subparagraph (A)(i), by striking ''(a)(9)'' and inserting ''(a)(10)''; and

(ii) in subparagraphs (B), (C), (D), and (E), by striking ''(9) or (10)'' each place it appears and inserting ''(10) or (11)''; and

(D) in paragraph (9)—

(i) in subparagraph (A), in the matter preceding clause (i), by striking ''a centralized hub facility, an express consignment carrier facility, or'';

(ii) by striking clause (ii) of subparagraph (A);

(iii) in clause (i) of subparagraph (A)—

(I) by striking—

''(i) In the case of a small airport or other facility—'';

(II) by redesignating subclauses (I) and (II) as clauses (i) and (ii), respectively, and aligning the text of those clauses with clauses (i) and (ii) of paragraph (8)(E); and

(III) in clause (ii), as so redesignated, by striking ''(a)(10) for such fiscal year, in an amount equal to the reimbursement under subclause (I)'' and inserting ''(a)(11) for such fiscal year, in an amount equal to the reimbursement under clause (i)''; and

(iv) by amending subparagraph (B) to read as follows:

''(B) For purposes of this paragraph, the term 'small airport or other facility' means any airport or facility to which section 236 of the Trade and Tariff Act of 1984 applies, if more than 25,000 informal entries were cleared through such airport or facility during the preceding fiscal year.''; and

(E) in paragraphs (10) and (11), by striking ''(9) or (10)'' each place it appears and inserting ''(10) or (11)''.

(3) Subsection (c) is amended by adding at the end the following:

''(6) The terms 'centralized hub facility' and 'express consignment carrier facility' mean a separate or shared specialized facility approved by a port director of the Customs Service for examination and release of imported merchandise carried by an express consignment carrier. Entry filing is also permitted at a centralized hub facility.''.

(4) Subsection (d)(4) is amended by striking ''(a)(7)'' each place it appears and inserting ''(a)(8)''.

(5) Subsection (e) is amended by adding at the end the following:

''(7) Notwithstanding section 451 of the Tariff Act of 1930 or any other provision of law, all services rendered by the United States Customs Service at a centralized hub facility or an express consignment carrier facility relating to the inspection or release of merchandise from such facility, either inbound or upon arrival from another country or outbound when departing to another country (including, but not limited to, normal and overtime services) shall be adequately provided when needed, at no cost to such facility (other than the fees imposed under subsection (a) of this section).''.

(6) Subsection (f)(3)(A) is amended—

(A) in the matter preceding clause (i), by striking ''(9) or (10)'' and inserting ''(10) or (11)'';

(B) in clause (i)—

(i) in subclause (IV), by striking ''and'' at the end;

(ii) in subclause (V), by adding ''and'' after ''1993,''; and

(iii) by inserting after subclause (V) the following:

''(VI) providing the services described in subsection (e)(7) at centralized hub facilities and express consignment carrier facilities,''; and

(C) in clause (ii), by striking ''(8)'' each place it appears and inserting ''(9)''.

(7) Subsection (f)(6) is amended by striking ''(9) and (10)'' and inserting ''(10) and (11)''.

(b) ADDITIONAL CONFORMING AMENDMENT.—Section 301(b)(2)(B) of the Customs Procedural Reform and Simplification Act of 1978

(19 U.S.C. 2075(b)(2)(B)) is amended by striking ''(9) and (10)'' and inserting ''(10) and (11)''.

Subtitle D—Antiterrorism Provisions

SEC. 141. IMMUNITY FOR UNITED STATES OFFICIALS THAT ACT IN GOOD FAITH.

(a) IMMUNITY.—Section 3061 of the Revised Statutes (19 U.S.C. 482) is amended—

(1) by striking ''Any of the officers'' and inserting ''(a) Any of the officers''; and

(2) by adding at the end the following:

''(b) Any officer or employee of the United States conducting a search of a person pursuant to subsection (a) shall not be held liable for any civil damages as a result of such search if the officer or employee performed the search in good faith.''.

(b) REQUIREMENT TO POST POLICY AND PROCEDURES FOR SEARCHES OF PASSENGERS.—Not later than 30 days after the date of the enactment of this Act, the Commissioner of the Customs Service shall ensure that at each Customs border facility appropriate notice is posted that provides a summary of the policy and procedures of the Customs Service for searching passengers, including a statement of the policy relating to the prohibition on the conduct of profiling of passengers based on gender, race, color, religion, or ethnic background.

SEC. 142. EMERGENCY ADJUSTMENTS TO OFFICES, PORTS OF ENTRY, OR STAFFING OF THE CUSTOMS SERVICE.

Section 318 of the Tariff Act of 1930 (19 U.S.C. 1318) is amended—

(1) by striking ''Whenever the President'' and inserting ''(a) Whenever the President''; and

(2) by adding at the end the following:

''(b)(1) Notwithstanding any other provision of law, the Secretary of the Treasury, when necessary to respond to a national emergency declared under the National Emergencies Act (50 U.S.C. 1601 et seq.) or to a specific threat to human life or national interests, is authorized to take the following actions on a temporary basis:

''(A) Eliminate, consolidate, or relocate any office or port of entry of the Customs Service.

''(B) Modify hours of service, alter services rendered at any location, or reduce the number of employees at any location.

''(C) Take any other action that may be necessary to directly respond to the national emergency or specific threat.

''(2) Notwithstanding any other provision of law, the Commissioner of Customs, when necessary to respond to a specific threat to human life or national interests, is authorized to close temporarily any Customs office or port of entry or take any other lesser action that may be necessary to respond to the specific threat.

''(3) The Secretary of the Treasury or the Commissioner of Customs, as the case may be, shall notify the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate not later than 72 hours after taking any action under paragraph (1) or (2).''.

SEC. 143. MANDATORY ADVANCED ELECTRONIC INFORMATION FOR CARGO AND PASSENGERS.

(a) CARGO INFORMATION.—

(1) IN GENERAL.—Section 431(b) of the Tariff Act of 1930 (19 U.S.C. 1431(b)) is amended—

(A) in the first sentence, by striking ''Any manifest'' and inserting ''(1) Any manifest''; and

(B) by adding at the end the following:

''(2) In addition to any other requirement under this section, for each land, air, or vessel carrier required to make entry under the customs laws of the United States, the pilot, the master, operator, or owner of such carrier (or the authorized agent of such operator or owner) shall provide by electronic transmission cargo manifest information in advance of such entry in such manner, time, and form as prescribed under regulations by the Secretary. The Secretary may exclude any class of land, air, or vessel carrier for which the Secretary concludes the requirements of this subparagraph are not necessary.''.

(2) CONFORMING AMENDMENTS.—Subparagraphs (A) and (C) of section 431(d)(1) of such Act are each amended by inserting before the semicolon ''or subsection (b)(2)''.

(b) PASSENGER INFORMATION.—Part II of title IV of the Tariff Act of 1930 (19 U.S.C. 1431 et seq.) is amended by inserting after section 431 the following:

''SEC. 432. PASSENGER AND CREW INFORMATION REQUIRED FOR LAND, AIR, OR VESSEL CARRIERS.

''(a) IN GENERAL.—For every person arriving or departing on a land, air, or vessel carrier required to make entry or obtain clearance under the customs laws of the United States, the pilot, the master, operator, or owner of such carrier (or the authorized agent of such operator or owner) shall provide by electronic transmission information described in subsection (b) in advance of such entry or clearance in such manner, time, and form as prescribed under regulations by the Secretary.

''(b) INFORMATION DESCRIBED.—The information described in this subsection shall include for each person described in subsection (a), if applicable, the person's—

''(1) full name;

''(2) date of birth and citizenship;

''(3) gender;

''(4) passport number and country of issuance;

''(5) United States visa number or resident alien card number;

''(6) passenger name record; and

''(7) such additional information that the Secretary, by regulation, determines is reasonably necessary to ensure aviation and maritime safety pursuant to the laws enforced or administered by the Customs Service.''.

(c) DEFINITION.—Section 401 of the Tariff Act of 1930 (19 U.S.C. 1401) is amended by adding at the end the following:

''(t) The term 'land, air, or vessel carrier' means a land, air, or vessel carrier, as the case may be, that transports goods or passengers for payment or other consideration, including money or services rendered.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect beginning 45 days after the date of the enactment of this Act.

SEC. 144. BORDER SEARCH AUTHORITY FOR CERTAIN CONTRABAND IN OUTBOUND MAIL.

The Tariff Act of 1930 is amended by inserting after section 582 the following:

''SEC. 583. EXAMINATION OF OUTBOUND MAIL.

''(a) EXAMINATION.—

''(1) IN GENERAL.—For purposes of ensuring compliance with the Customs laws of the United States and other laws enforced by the Customs Service, including the provisions of law described in paragraph (2), a Customs officer may, subject to the provisions of this section, stop and search at the border, without a search warrant, mail of domestic origin transmitted for export by the United States Postal Service and foreign mail transiting the United States that is being imported or exported by the United States Postal Service.

''(2) PROVISIONS OF LAW DESCRIBED.—The provisions of law described in this paragraph are the following:

''(A) Section 5316 of title 31, United States Code (relating to reports on exporting and importing monetary instruments).

''(B) Sections 1461, 1463, 1465, and 1466 and chapter 110 of title 18, United States Code (relating to obscenity and child pornography).

''(C) Section 1003 of the Controlled Substances Import and Export Act (21 U.S.C. 953; relating to exportation of controlled substances).

''(D) The Export Administration Act of 1979 (50 U.S.C. app. 2401 et seq.).

''(E) Section 38 of the Arms Export Control Act (22 U.S.C. 2778).

''(F) The International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

''(b) SEARCH OF MAIL NOT SEALED AGAINST INSPECTION AND OTHER MAIL.—Mail not sealed against inspection under the postal laws and regulations of the United States, mail which bears a customs declaration, and mail with respect to which the sender or addressee has consented in writing to search, may be searched by a Customs officer.

''(c) SEARCH OF MAIL SEALED AGAINST INSPECTION.—(1) Mail sealed against inspection under the postal laws and regulations of the United States may be searched by a Customs officer, subject to paragraph (2), upon reasonable cause to suspect that such mail contains one or more of the following:

''(A) Monetary instruments, as defined in section 1956 of title 18, United States Code.

''(B) A weapon of mass destruction, as defined in section 2332a(b) of title 18, United States Code.

''(C) A drug or other substance listed in schedule I, II, III, or IV in section 202 of the Controlled Substances Act (21 U.S.C. 812).

''(D) National defense and related information transmitted in violation of any of sections 793 through 798 of title 18, United States Code.

''(E) Merchandise mailed in violation of section 1715 or 1716 of title 18, United States Code.

''(F) Merchandise mailed in violation of any provision of chapter 71 (relating to obscenity) or chapter 110 (relating to sexual exploitation and other abuse of children) of title 18, United States Code.

''(G) Merchandise mailed in violation of the Export Administration Act of 1979 (50 U.S.C. app. 2401 et seq.).

''(H) Merchandise mailed in violation of section 38 of the Arms Export Control Act (22 U.S.C. 2778).

''(I) Merchandise mailed in violation of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

''(J) Merchandise mailed in violation of the Trading with the Enemy Act (50 U.S.C. app. 1 et seq.).

''(K) Merchandise subject to any other law enforced by the Customs Service.

''(2) No person acting under authority of paragraph (1) shall read, or authorize any other person to read, any correspondence contained in mail sealed against inspection unless prior to so reading—

''(A) a search warrant has been issued pursuant to Rule 41, Federal Rules of Criminal Procedure; or

''(B) the sender or addressee has given written authorization for such reading.''.

SEC. 145. AUTHORIZATION OF APPROPRIATIONS FOR REESTABLISHMENT OF CUSTOMS OPERATIONS IN NEW YORK CITY.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated for the reestablishment of operations of the Customs Service in New York, New York, such sums as may be necessary for fiscal year 2002.

(2) OPERATIONS DESCRIBED.—The operations referred to in paragraph (1) include, but are not limited to, the following:

(A) Operations relating to the Port Director of New York City, the New York Customs

Management Center (including the Director of Field Operations), and the Special Agent-In-Charge for New York.

(B) Commercial operations, including textile enforcement operations and salaries and expenses of—

(i) trade specialists who determine the origin and value of merchandise;

(ii) analysts who monitor the entry data into the United States of textiles and textile products; and

(iii) Customs officials who work with foreign governments to examine textile makers and verify entry information.

(b) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a) are authorized to remain available until expended.

Subtitle E—Textile Transshipment Provisions

SEC. 151. GAO AUDIT OF TEXTILE TRANSSHIPMENT MONITORING BY CUSTOMS SERVICE.

(a) GAO AUDIT.—The Comptroller General of the United States shall conduct an audit of the system established and carried out by the Customs Service to monitor textile transshipment.

(b) REPORT.—Not later than 9 months after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Ways and Means of the House of Representatives and Committee on Finance of the Senate a report that contains the results of the study conducted under subsection (a), including recommendations for improvements to the transshipment monitoring system if applicable.

(c) TRANSSHIPMENT DESCRIBED.—Transshipment within the meaning of this section has occurred when preferential treatment under any provision of law has been claimed for a textile or apparel article on the basis of material false information concerning the country of origin, manufacture, processing, or assembly of the article or any of its components. For purposes of the preceding sentence, false information is material if disclosure of the true information would mean or would have meant that the article is or was ineligible for preferential treatment under the provision of law in question.

SEC. 152. AUTHORIZATION OF APPROPRIATIONS FOR TEXTILE TRANSSHIPMENT ENFORCEMENT OPERATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated for textile transshipment enforcement operations of the Customs Service $9,500,000 for fiscal year 2002.

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

(b) USE OF FUNDS.—Of the amount appropriated pursuant to the authorization of appropriations under subsection (a), the following amounts are authorized to be made available for the following purposes:

(1) IMPORT SPECIALISTS.—$1,463,000 for 21 Customs import specialists to be assigned to selected ports for documentation review to support detentions and exclusions and 1 additional Customs import specialist assigned to the Customs headquarters textile program to administer the program and provide oversight.

(2) INSPECTORS.—$652,080 for 10 Customs inspectors to be assigned to selected ports to examine targeted high-risk shipments.

(3) INVESTIGATORS.—(A) $1,165,380 for 10 investigators to be assigned to selected ports to investigate instances of smuggling, quota and trade agreement circumvention, and use of counterfeit visas to enter inadmissible goods.

(B) $149,603 for 1 investigator to be assigned to Customs headquarters textile program to coordinate and ensure implementation of textile production verification team results from an investigation perspective.

(4) INTERNATIONAL TRADE SPECIALISTS.—$226,500 for 3 international trade specialists to be assigned to Customs headquarters to be dedicated to illegal textile transshipment policy issues and other free trade agreement enforcement issues.

(5) PERMANENT IMPORT SPECIALISTS FOR HONG KONG.—$500,000 for 2 permanent import specialist positions and $500,000 for 2 investigators to be assigned to Hong Kong to work with Hong Kong and other government authorities in Southeast Asia to assist such authorities pursue proactive enforcement of bilateral trade agreements.

(6) VARIOUS PERMANENT TRADE POSITIONS.—$3,500,000 for the following:

(A) 2 permanent positions to be assigned to the Customs attaché office in Central America to address trade enforcement issues for that region.

(B) 2 permanent positions to be assigned to the Customs attaché office in South Africa to address trade enforcement issues pursuant to the African Growth and Opportunity Act (title I of Public Law 106–200).

(C) 4 permanent positions to be assigned to the Customs attaché office in Mexico to address the threat of illegal textile transshipment through Mexico and other related issues under the North American Free Trade Agreement Act.

(D) 2 permanent positions to be assigned to the Customs attaché office in Seoul, South Korea, to address the trade issues in the geographic region.

(E) 2 permanent positions to be assigned to the proposed Customs attaché office in New Delhi, India, to address the threat of illegal textile transshipment and other trade enforcement issues.

(F) 2 permanent positions to be assigned to the Customs attaché office in Rome, Italy, to address trade enforcement issues in the geographic region, including issues under free trade agreements with Jordan and Israel.

(7) ATTORNEYS.—$179,886 for 2 attorneys for the Office of the Chief Counsel of the Customs Service to pursue cases regarding illegal textile transshipment.

(8) AUDITORS.—$510,000 for 6 Customs auditors to perform internal control reviews and document and record reviews of suspect importers.

(9) ADDITIONAL TRAVEL FUNDS.—$250,000 for deployment of additional textile production verification teams to sub-Saharan Africa.

(10) TRAINING.—(A) $75,000 for training of Customs personnel.

(B) $200,000 for training for foreign counterparts in risk management analytical techniques and for teaching factory inspection techniques, model law Development, and enforcement techniques.

(11) OUTREACH.—$60,000 for outreach efforts to United States importers.

SEC. 153. IMPLEMENTATION OF THE AFRICAN GROWTH AND OPPORTUNITY ACT.

Of the amount made available for fiscal year 2002 under section 301(b)(2)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(2)(A)), as amended by section 101(b)(1) of this Act, $1,317,000 shall be available until expended for the Customs Service to provide technical assistance to help sub-Saharan Africa countries develop and implement effective visa and anti-transshipment systems as required by the African Growth and Opportunity Act (title I of Public Law 106–200), as follows:

(1) TRAVEL FUNDS.—$600,000 for import specialists, special agents, and other qualified Customs personnel to travel to sub-Saharan Africa countries to provide technical assistance in developing and implementing effective visa and anti-transshipment systems.

(2) IMPORT SPECIALISTS.—$266,000 for 4 import specialists to be assigned to Customs headquarters to be dedicated to providing technical assistance to sub-Saharan African countries for developing and implementing effective visa and anti-transshipment systems.

(3) DATA RECONCILIATION ANALYSTS.—$151,000 for 2 data reconciliation analysts to review apparel shipments.

(4) SPECIAL AGENTS.—$300,000 for 2 special agents to be assigned to Customs headquarters to be available to provide technical assistance to sub-Saharan African countries in the performance of investigations and other enforcement initiatives.

TITLE II—OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 141(g)(1) of the Trade Act of 1974 (19 U.S.C. 2171(g)(1)) is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking ''not to exceed'';

(B) in clause (i) to read as follows:

''(i) $30,000,000 for fiscal year 2002.''; and

(C) in clause (ii) to read as follows:

''(ii) $31,000,000 for fiscal year 2003.''; and

(2) in subparagraph (B)—

(A) in clause (i), by adding ''and'' at the end;

(B) by striking clause (ii); and

(C) by redesignating clause (iii) as clause (ii).

(b) SUBMISSION OF OUT-YEAR BUDGET PROJECTIONS.—Section 141(g) of the Trade Act of 1974 (19 U.S.C. 2171(g)) is amended by adding at the end the following:

''(3) By not later than the date on which the President submits to Congress the budget of the United States Government for a fiscal year, the United States Trade Representative shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the projected amount of funds for the succeeding fiscal year that will be necessary for the Office to carry out its functions.''.

(c) ADDITIONAL STAFF FOR OFFICE OF ASSISTANT U.S. TRADE REPRESENTATIVE FOR CONGRESSIONAL AFFAIRS.—

(1) IN GENERAL.—There is authorized to be appropriated such sums as may be necessary for fiscal year 2002 for the salaries and expenses of two additional legislative specialist employee positions within the Office of the Assistant United States Trade Representative for Congressional Affairs.

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

TITLE III—UNITED STATES INTERNATIONAL TRADE COMMISSION

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 330(e)(2)(A) of the Tariff Act of 1930 (19 U.S.C. 1330(e)(2)) is amended—

(1) in clause (i) to read as follows:

''(i) $51,400,000 for fiscal year 2002.''; and

(2) in clause (ii) to read as follows:

''(ii) $53,400,000 for fiscal year 2003.''.

(b) SUBMISSION OF OUT-YEAR BUDGET PROJECTIONS.—Section 330(e) of the Tariff Act of 1930 (19 U.S.C. 1330(e)(2)) is amended by adding at the end the following:

''(4) By not later than the date on which the President submits to Congress the budget of the United States Government for a fiscal year, the Commission shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the projected amount of funds for the succeeding fiscal year that will be necessary for the Commission to carry out its functions.''.

TITLE IV—OTHER TRADE PROVISIONS

SEC. 401. INCREASE IN AGGREGATE VALUE OF ARTICLES EXEMPT FROM DUTY ACQUIRED ABROAD BY UNITED STATES RESIDENTS.

(a) IN GENERAL.—Subheading 9804.00.65 of the Harmonized Tariff Schedule of the United States is amended in the article description column by striking ''$400'' and inserting ''$800''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 90 days after the date of the enactment of this Act.

SEC. 402. REGULATORY AUDIT PROCEDURES.

Section 509(b) of the Tariff Act of 1930 (19 U.S.C. 1509(b)) is amended by adding at the end the following:

''(6)(A) If during the course of any audit concluded under this subsection, the Customs Service identifies overpayments of duties or fees or over-declarations of quantities or values that are within the time period and scope of the audit that the Customs Service has defined, then in calculating the loss of revenue or monetary penalties under section 592, the Customs Service shall treat the overpayments or over-declarations on finally liquidated entries as an offset to any underpayments or underdeclarations also identified on finally liquidated entries if such overpayments or over-declarations were not made by the person being audited for the purpose of violating any provision of law.

''(B) Nothing in this paragraph shall be construed to authorize a refund not otherwise authorized under section 520.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. THOMAS) and the gentleman from Washington (Mr. MCDERMOTT) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

As I indicated on the previous legislation in front of us, I do ask that we suspend the rules and pass H.R. 3129, as amended, as well.

The amendment in this instance is a deletion rather than an addition. Although in committee we had a full and, I think, useful discussion about a number of concerns dealing with Customs and the way in which Customs deals with our border security and the way in which they enforce the law, one provision which caused some consternation and which has been in front of us for several years is the way in which Customs officials in particular areas are compensated.

It is a difficult job, because many of the airports in Customs locations are open 24 hours a day. People are coming in at all hours of the morning and night as well as during the day, and so it is a difficult labor situation. And in an attempt to try to figure out how to have an equitable pay structure for those who might be working shifts that most of us would be more familiar with, called graveyard shifts or night shifts, there does need to be a bit of an incentive in terms of offering more than the normal compensation during normal working hours.

The difficulty is that in certain areas there are individuals who are receiving nighttime pay, or overtime pay, that is used normally to compensate for the unusual hours they are working, and they are working in the middle of the day. This anomaly we attempt to correct in this legislation.

My friends on the other side of the aisle were strongly objective to removing night pay for people who are at work and if they look out the window the sun is shining. To make sure that we move forward with this whole area of trade and Customs, this legislation was placed on the suspension calendar. As a gesture which may or may not be received in the spirit in which it is delivered, we requested that we delete that portion of the Customs reauthorization dealing with the wage dispute.

The rest of the bill, I believe, is completely meritorious and deserves in its entirety to be passed, without objection, and I would urge that we do so on the suspension calendar.

Mr. Speaker, I reserve the balance of my time.

Mr. MCDERMOTT. Mr. Speaker, I yield myself 3 minutes, and I rise in opposition to H.R. 3129.

This is another bill that is put out here to confuse people, to throw sand in the eyes of Members of Congress. It was presented to the committee as a pay bill for Customs people. We voted on it there. And between the committee and coming to the floor, they suddenly took that all out and put a study in. Thank you very much, Mr. Chairman, we appreciate that. The other provisions were no good.

But what is left is not good either, because it should have gone to the Committee on the Judiciary. The sections which pertain to immunity of Customs agents and allowing the unwarranted search of outgoing U.S. mail should have been talked about by the Committee on the Judiciary. It seems to me that the Ways and Means was used as a way to go around the Committee on the Judiciary, rather than having them consider what needs to be done.

Now, our Customs agents are good and sincere people who have grave responsibilities. Unfortunately, there have been abuses of the authority that Customs agents have. A March 2000 General Accounting Office report found that while black female citizens were nine times more likely than white female citizens to be subject to x-ray searches by the Customs Service, these black women were less than half as likely to be found carrying contraband as white women.

Section 141 of the bill would exempt the Customs officer from liability for engaging in illegal body cavity search and from liability for illegal searches, provided the officer acted in good faith. Now, there is no reason put forward why we should change the standard set by the Supreme Court that the reasonableness of an officer's behavior is the proper test of liability. In the aftermath of the GAO study, many changes were instituted by Customs, and I believe that we should not change this in this way.

This is also not the time to give them a new standard about looking at mail. We prevent mail from coming in without a search because we are protecting ourselves. When it is going out, there is no justification given for why we are doing that. I think that that is another change, a power grab by the Justice Department, done through the Committee on Ways and Means.

And without anybody talking about it, they then added $9 billion to Customs for agents to deal with transshipment. Now, my colleagues, that is put in the bill for one reason and one reason only: To get textile people to say they are going to keep the textiles out of our country, we have good protectionists, so I can vote for trade promotion authority. It is simply a sop to Members.

Now, if Members think this is going to go over to the Senate and pass, remember, this has to go through the Senate. Passing in the House is not enough. This is a sop that will not work. I will vote ''no.''

Mr. THOMAS. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. CRANE), chairman of the Subcommittee on Trade.

Mr. CRANE. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, H.R. 3129, the Customs Border Security Act of 2001, would authorize the budget for the U.S. Customs Service, International Trade Commission, and Office of the U.S. Trade Representative. It also includes a number of critical new tools for fighting terrorism, drugs, and child pornography. The legislation will help Customs close a gap in our border that lets illegal money be taken out of the country. This legislation will also significantly help Customs' ability to stop the flow of illegal drugs from crossing our borders and getting into our children's hands.

The administration participated in drafting and working through several measures in this bill. We have a provision to require advanced electronic manifesting on passengers and cargo so that the Customs Service can have advanced notice of who is on planes and what is on ships about to land on American soil.

We also have a provision to give our Customs inspectors some protection against frivolous lawsuits since now, more than ever, they will be scrutinizing and watching people who come into the country, knowing full well that the next terrorist may be stepping off the plane at any time. Inspectors acting in good faith should not have to think twice about being subject to personal civil lawsuits. So we are proposing that they have immunity, but only for those who act in good faith, not for inspectors who may wrongly use race, ethnicity or gender to profile passengers.

The administration also requested that Customs be able to search outgoing mail because of the fact that the

U.S. mail is used to transmit laundered money out of the country. I want to assure Members that we looked carefully at the privacy issues involved here and believe we adequately address them in this legislation. People fear that Customs may be reading our mail, but our bill preserves our cherished fourth amendment right against unwarranted search by requiring that no letter may be read by Customs officers unless a valid warrant is obtained. Remember, money from illegal activities is what leads us to terrorists and drug smugglers. We must preserve our privacy while giving Customs authority to root out these illegal activities.

We have increased funding to reestablish the New York Customs offices and an additional increase in funding to upgrade our textile transshipment monitoring and enforcement operations. Also, H.R. 3129 adds $10 million for the Customs Cyber-smuggling Center. With the explosion of the Internet, our children have become vulnerable to online predators. We need to protect them, and this legislation will help Customs combat this vile behavior.

This legislation also contains authorization for funding for Customs' new automation, the automated commercial environment. In 1998, Customs processed 19.7 million entries. This volume is expected to double by 2005. The current automation system is on the brink of continual brownout and possibly shutdowns. If this happens, it will cost American taxpayers millions of dollars.

I urge all of my colleagues who are serious about stopping terrorism, drugs, and online child pornography, while keeping our trade flowing, to support this bill.

□ 1045

Mr. MCDERMOTT. Mr. Speaker, I yield 2½ minutes to the gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong opposition to H.R. 3129. This bill threatens to violate the civil rights of international travelers. The Customs Service's poor record of racially profiling passengers has been well documented. While I appreciate the attempts that they have made to address the problem, now is not the time to grant immunity to Customs officers conducting personal searches.

For more than 2 years, I have been examining allegations of racial profiling by Customs inspectors throughout the country, and mistreatment of international travelers, especially African Americans and Hispanics, in the Customs Service personal search process. I will not support any legislation that will grant Customs officers immunity before we have seen significant improvement in their record on racial profiling.

As public officials, Customs agents already have qualified immunity which is more than adequate to protect them if acting within the scope of their official authority. Civil lawsuits against government officials and agents are an important deterrent to racial profiling and unconstitutional and unlawful searches. Without the possibility of a lawsuit, individuals who have been treated in an unconstitutional manner by a government agency will have no redress, and the government agents will have less incentive to comply with the Constitution.

Mr. Speaker, I urge all of my colleagues to protect the basic civil rights and civil liberties of international travelers and oppose this bill.

Mr. THOMAS. Mr. Speaker, I reserve the balance of my time.

Mr. MCDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, we have done a lot in a rush after September 11: Questioning the attorney's right to talk to his client without being listened to; military trials where the Attorney General and the Secretary of Defense will certify someone was a foreign terrorist and deny them a fair trial, whether they happen to be, in fact, a guilty terrorist or not. The individual might be an innocent citizen, but is still stuck with this system because the Attorney General has accused the individual.

We passed the airline security bill which included provisions which significantly reduced the rights of victims to be compensated for their injuries and without consideration by the Committee on the Judiciary which has jurisdiction over this, and now we are asked to suspend the rules and pass a bill which includes provisions which reduce the rights of victims of unconstitutional, unreasonable searches by government officials, searches which could include strip searches and so-called cavity searches. Many of these searches have been found to be conducted pursuant to racial profiling. They have only been stopped by lawsuits, and here we have bill that will throw some of these people out of court and make it less likely that these unconstitutional searches will be stopped.

The Supreme Court has held that the objective reasonableness of the official's behavior ought to be the standard, not the so-called good faith standard that is in this bill as the standard for liability. If we are going to change the standard, we ought to do it through the regular legislative process. Let the Committee on the Judiciary have hearings so we can consider whether a change needs to take place.

Rather, we are here on a motion to suspend the rules and just pass the bill. I would hope that we would not proceed with this standard, with this procedure, where we cannot have amendments or hearings, we have to take it up or down. This is too serious an issue to consider this way. I urge Members to defeat the motion to suspend the rules.

Mr. THOMAS. Mr. Speaker, I yield 4 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise in strong support of this legislation. We did have hearings on this bill, I would note, and I am very proud to support it.

Furthermore, it is an urgent matter that we pass this at this time. First of all, it provides clear authority for Customs to get passenger lists from other countries. That authority is not clear in our Customs law. If we want Customs to provide us with the protection that they need to, we need to enable them to have advanced electronic information about passengers, cargo, carrier crew lists, and manifests.

This is very important in terms of the immediate challenge of protecting ourselves more effectively against terrorism. This is just as important as the airport safety bill. In addition to providing access to information about passengers and cargo, it allows clear authority to search outbound mail. Customs has authority to search inbound mail, but it is in the outbound mail that the cash roars out of America, laundered clean for terrorist activities and illegal drug smuggling.

Further, $10 million is going to go to something that I have been fighting for for 3 years and has had lots of hearings. Our children are not threatened by sexual exploitation and attack any more by people lurking in the school yards of America. They are now on the computers. They are in chat rooms. Do Members know where most of the child pornography comes from and how it comes into America? It flows in through cyberspace. Who are the people who have developed the most effective means of stopping child pornography and interrupting those conversations in the chat room through which adults are gaining access to children and luring them into dangerous relationships, it is the Customs folks.

I have talked to them extensively in my district. This is the ammunition that they need to beef up the resources and expand the expertise. They are really now skilled at this, being able to follow these chat room conversations, spot those individuals who are posing as young people, but who are really out to attract young people into meeting them here or there for sexual exploitation.

Mr. Speaker, we are very fortunate that we have not had more young children murdered. We have had children met in parking lots as a result of contacts made through international cyberspace connections.

And now the business that is developing in tourism, foreign companies luring, over our computers, adults to join trips whose goal it is to offer young children around the world to American tourists. Mr. Speaker, it is terrible. It is horrible, and that is a piece of this legislation that is urgently needed.

Mr. Speaker, do not underestimate the importance and the relevance of

this to the very situation we face right now. Customs lost textile monitoring and enforcement infrastructure from the September 11 attack, and this allows the reestablishment of those offices and provides the resources so that the textile clearinghouse and commercial operations can be reestablished.

This is a very, very important bill. It is not sexy. There is not a lot of interest in Customs in Congress. There never has been. But the authorities that we are granting in this bill, the resources that we are providing, the border protection equipment to fight terrorism and illegal drugs, is very important. Again, do not let this be mired down or defeated by all of the other cross-currents that are swirling in this body and between the two Houses.

Mr. MCDERMOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentlewoman's program has been funded for 3 years without authorization. We do not need this bill for that purpose.

Mr. Speaker, I yield 2½ minutes to the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. CONYERS. Mr. Speaker, will the gentleman yield?

Mr. RANGEL. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, I would like the gentlewoman from Connecticut (Mrs. JOHNSON) to know that the Committee on the Judiciary made a great pitch to increase the funding for Customs. It was blocked by the chairman of the Committee on Ways and Means sitting there. That is why we could not do it.

Mr. RANGEL. Mr. Speaker, Customs has no better friend than myself. When I was prosecuting narcotics cases, they were just as dedicated then in trying to keep those poisons from crossing our borders as they are today.

But it bothers me that the gentlewoman from Connecticut (Mrs. JOHNSON) in calling the bill not sexy would spend most of her time talking about preventing child pornography when the last several speakers on our side were talking about civil liberties. As a matter of fact, I have not heard anyone on the other side deal with this.

Mr. Speaker, we can have a good cause and good bill, fight terrorism, but if we ever lose sight of the constitutional rights of people to be protected, their civil rights, then we have lost this battle against terrorism. We have provisions here that say in this bill on the suspension calendar without the benefit of the thinking of the people on the Committee on the Judiciary that we are going to give some type of immunity, immunity to people who violate the rights of other people.

The Customs Service did not support these changes. The Department of Justice did not ask for these changes. The Department of Treasury did not ask for these changes, and these changes can violate the very structure of the constitutional rights of our people. So hey, put on the record, Democrats are against child pornography; but let us get on with answering some of the serious constitutional questions concerning civil liberties that our side has raised.

Mr. THOMAS. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, the immunity section was specifically asked for by Customs, and responds to their very deep-seated need for protection from suit for actions that they as officers must take. After all, they do not know who is walking up to them and must make difficult instant judgments about their need to search and/or restraint.

Mr. RANGEL. Mr. Speaker, will the gentlewoman yield?

Mrs. JOHNSON of Connecticut. I yield to the gentleman from New York.

Mr. RANGEL. Mr. Speaker, I would not put the valuable reputation of the gentlewoman from Connecticut on the line for that statement because our side is convinced that Customs did not ask for it and do not support it. The gentlewoman knows how much I respect her.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I appreciate the gentleman making that comment. I am putting on the record that our staff says Customs asked for this, so at least the public listening to this debate and the Members ought to know that our staff believes Customs asked for this very language and needs it.

Mr. RANGEL. If the gentlewoman would continue to yield, I am certain before the debate is over, staff will produce a document from Customs stating that. If not, we have a problem.

Mr. MCDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. CONYERS) to clarify what the Department of Justice wants.

Mr. CONYERS. Mr. Speaker, I have no idea what Department of Justice wants; and I can tell the gentleman, I do not care what Customs wants. Whether they asked for it or not, they should not get it. There are no documents to prove that they asked for it; Members can be the jury.

The question that the gentleman from New York raises is whether we are going to sanctioning in this quickie here, a racial profiling exemption that goes back, the qualified exemption that Customs already enjoys.

What are we doing here? We already have a dozen cases that have come out of court that have said that Customs is protected and has a qualified exemption from even the wrongdoing of the agents of Customs.

□ 1100

Now, and I guess this is in the quiet of the daytime, we are now saying let us exempt the whole agency, not just the individual agents that conduct these violations. Then I am hearing people talk about we need more money. And it is terrible what is happening to kids and ladies and girls, but the chairman is the one that blocked us adding the money. He is sitting here quietly reserving his time.

This is a wonderful practice, but what has it got to do with the Customs Border Security Act? Here is a bill that is going to bite the dust because we will not level about what we are doing here. So I cannot authorize sanctioning agencies to have exclusive remedy exemption, when they already have partial exemption.

Mr. THOMAS. Mr. Speaker, I continue to reserve my time.

Mr. MCDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, we could have had a very good bill that would have received a very large vote in support. The majority did the right thing by removing a provision in from the bill that would have unfairly cut the pay of our Customs officials, our front line at our borders to prevent terrorist activity from entering into our country. It has provisions which provide for automation for a computer system which is outdated and which must be replaced so we can track what comes into this country. But yet this bill instead chose to sacrifice privacy under the guise of security.

Regarding this immunity that the Customs Service so-called requested, first in committee, they could not explain why they needed it. But, more importantly, we know that the Customs Service has a terrible record when it comes to racial profiling.

Our own auditors, the General Accounting Office, has found that while black female U.S. citizens are nine times more likely than white U.S. citizens to be the subject of x-ray searches by our Customs Service, they are half as likely as white female U.S. citizens to actually be carrying contraband.

Let me repeat that. Even though African American women are found to carry contraband, U.S. citizen African American women are half as likely to carry contraband as white U.S. citizen women, they are nine times as likely to be searched. Yet we want to give the Customs Service more immunity from lawsuits for having done that? It is crazy.

Then we talk about inspecting mail. We inspect mail that comes into this country because we do not know what it might contain. Good. But mail going out, our privacy invaded? Right now, Customs Service has every right to inspect that mail by getting a search warrant. They can hold mail.

If they believe there is some contraband there, if there is money laundering occurring, all they have to do is hold it. They have the power to get a judicial order to hold it and inspect. What we are saying in this bill is forget

about getting the judicial order, let us let them inspect without that. This is wrong. We should not sacrifice privacy.

We should pass this bill if we could, but we cannot. Let us defeat it.

Mr. THOMAS. Mr. Speaker, I continue to reserve the balance of my time, the assumption being we have no further speakers.

Mr. MCDERMOTT. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, this is the wrong way and the wrong time to consider this bill. Voted out of committee on Halloween, this is your typical Ways and Means trick-or-treat bill; a ''trick'' for hard-working employees, whose pay would be lowered, as originally proposed in a provision abandoned only last night, a ''treat'' for those who refuse to be held accountable.

If this measure is so absolutely vital in the war on terrorism, why has the gentleman from California (Mr. THOMAS) and the Republican leadership sat on it for 36 days, for 5 weeks, doing nothing about this piece of legislation?

No opportunity was offered to either the Ways and Means Committee or the Committee on the Judiciary, to consider the civil liberties questions associated with this measure.

This bill is part of a larger, very troubling trend in our country today. In defending our country from terrorists, it is critically important that we not erode the very values and principles for which this country stands—that we not destroy our democratic system in a misguided attempt to save it.

What separates us from our enemies is our respect for the rule of law, and as we seek to protect our freedom, we must not adopt measures that undermine our democracy.

Each passing day, particularly from the mouth of Attorney General John Ashcroft, seems to bring new dangers to our system of liberty: Eavesdropping on conversations between attorneys and their clients; secret military tribunals that deny the choice of legal counsel, deny trial by jury, deny any appeal through the judicial process, and deny other due process guarantees. They are the very type of fundamental procedural rights that those of us in the Human Rights Caucus have criticized when employed in countries around the world. Despite objections from the FBI, now the Justice Department is considering spying on domestic religious organizations. And now this measure today that would make it almost impossible for one to challenge an unconstitutional search and would allow the surreptitious opening of some of our mail.

This bill ought not to be considered in this way at this time. Because this bill fails to maintain the appropriate balance between our security and our rights. We need a no vote.

Mr. MCDERMOTT. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks and include extraneous material.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman for allowing me time.

Mr. Speaker, I would like to tell the story of Yvette Bradley. A 33-year-old advertising executive and her sister arrived at Newark Airport from a vacation in Jamaica, an African American woman. Upon encountering Customs agents, Ms. Bradley recalls that she, along with most of the other black women on the flight, were singled out for searches and interrogation, where she experienced one the most humiliating moments of her life. All throughout her body was tapped and private parts were tapped. And, you know what, Mr. Speaker, no drugs or contraband was found.

I happen to be a strong supporter of our Customs agents and the responsibilities that they have. Interestingly enough, however, they have all of the provisions that they need to ensure the safety of this Nation.

To take away, to give them a bye, a pass, on the Bill of Rights and the Constitution, the understanding of unreasonable search and seizures, is unfair. The ability to search mail, more than they have now, is unfair and it is not what the American people want us to do.

This legislation did not go to the Committee on the Judiciary. This legislation came out of the Committee on Ways and Means on a party vote. It seems simply ludicrous that we throw to the wind our Constitution when we are fighting terrorism around the world.

This bill fails to address the very serious problems of racial profiling and invasions of privacy by our Customs agents. The Customs Service has a poor record on racial profiling. A March 2000 General Accounting Office report found that while black female U.S. citizens were nine times more likely than white female U.S. citizens to be subjected to x-ray searches by the Customs Service, these black women were less than half as likely to be found carrying contraband as white females.

Last April, Yvette Bradley, a 33-year-old advertising executive and her sister arrived at Newark Airport from a vacation in Jamaica. Upon encountering Customs agents Ms. Bradley recalls that she, along with most of the other black women on the flight, were singled out for searches and interrogation where she ''experienced one of the most humiliating moments of (her) life.'' According to a subsequent ACLU lawsuit, Bradley was led to a room at the airport and instructed to place her hands on the wall while a Customs officer ran her hands and fingers over every area of her body, including her breasts and the inner and outer labia of her vagina. The search did not reveal any drugs or contraband.

Mr. Speaker, the bill before us today, H.R. 3129, contains a number of problematic provisions that perpetuate these kinds of insidious acts. Most notably, two provisions raise significant constitutional and civil liberties concerns. First, the Good Faith Immunity provision of section 141 provides Customs inspectors immunity from lawsuits stemming from personal searches of people entering the country so long as the officers conduct the searches in ''good faith.'' Importantly, this provision has nothing to do with preventing terrorists from boarding airplanes. Customs officers search passengers when they are exiting the plane, not when they are boarding. Nothing in the provision limits it to terrorist investigations.

The provision was included as a ''procedural'' device to allow civil cases against individual Customs agents to be dismissed in the early stages of litigation. However, it is clear from a plain reading of this provision that the intent is to broaden the standard of immunity allowable under current law. The existing doctrine of qualified immunity protects public officials performing discretionary searches from civil damages if their conduct does not violate statutory or constitutional rights. However, the Supreme Court has repeatedly held that the proper standard of an officer's behavior with respect to liability is objective reasonableness and not subjective ''good faith.''

This provision in H.R. 3129 could weaken protections against racial profiling and other illegal and unconstitutional searches by the Customs Service. Despite the Majority's stated intent, section 141 appears to be a substantive, not a procedural, change and it is thus unclear why the provision is necessary.

Next, the Outbound Mail provision of section 144 would allow Customs investigators broad authority to search mail. With respect to outbound U.S. mail, this would allow broad authority of Customs to search packages for unreported money or other monetary instruments, weapons, and other contraband which could be used by terrorists. With respect to sealed outbound U.S. mail, the bill allows broad authority to Customs to open mail with ''reasonable cause'' to suspect that the mail contains contraband. Under current law, the Customs Service may search, without a warrant, any inbound mail handled by the United States Postal Service and packages and letters handled by private carriers such as Federal Express and the United Parcel Service. This ''border exception'' to the fourth amendment derives from the authority of the government to protect its borders against inbound contraband and to collect duties on inbound freight.

However, the bill would allow Customs officials to open ''sealed'' mail with ''reasonable cause.'' This is a far lower standard than probable cause, and would effectively eliminate the need for judicial review. Furthermore, section 144 would allow Customs officials to open ''unsealed'' mail and any mail bearing a Customs declaration for no cause whatsoever.

Americans have an expectation of privacy in the mail they send to friends, family, or business associates abroad. The Customs Service's interest in confiscating illegal weapons shipments, drugs, or other contraband is adequately protected by its ability to secure a search warrant when it has probable cause. Short of an emergency, postal officials can always hold a package while they wait for a court to issue a warrant.

I urge my colleagues to oppose this bill.

Mr. MCDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK. Mr. Speaker, I know people on the other side think that the

private sector ought always to be our model, but they have misapplied it in this case, because the model they have chosen is the Enron Corporation. The Enron Corporation got into trouble for engaging recklessly in trading in a way that violated the rules.

Well, that is what is happening here today. The gentlewoman from Connecticut is right. This is a very important bill, far too important to be debated under a procedure that was created for noncontroversial legislation: 40 minutes of debate and no amendments.

There are several important pieces to this bill. They try to achieve important goals. But some of them are flawed. There is no reason why, we have not been working that hard this week, we could not have had a serious debate on this bill.

Why is this now being rushed through? Because we are following the Enron principle. There is some trading going on here. In this case, what we are trading are votes on the trade bill.

What happened is very simply this: The Republican leadership found itself short of votes for fast track, so what they decided to do was to reach into the goodie-bag, they pull out trade adjustment assistance, which they will grudgingly put forward for a vote, they reach into this bill and rush it forward because it has some payoff for people in the textile industry.

I want to see the textile rules better enforced. I want to see us better protected a lot of ways. But I do not want to see that done by following the Enron model where the importance of trading is so overwhelming that you short circuit the rules and play fast and loose and get yourself in trouble.

It is an absolute degradation of the legislative process for a bill of this importance to be debated under this procedure of suspension of the rules.

We are opposing not the substance, which many of us support in some areas, but this degradation of the legislative process, this refusal to allow honest democratic debate on important subjects, simply because the Republican leadership finds itself a little shorter of votes than it thought for the bill.

I would also say, while we are at it, that people who are tempted by this ought to be clear that they get some guarantees. When people bring up a bill just like this, just before another vote, with no guarantee that it is going to go anywhere, they better be worried about consumer fraud as well as illegitimate trading.

Mr. MCDERMOTT. Mr. Speaker, could the Speaker tell me how much time I have remaining?

The SPEAKER pro tempore (Mr. ISAKSON). The gentleman from Washington (Mr. MCDERMOTT) has 2 minutes.

Mr. MCDERMOTT. I yield 1½ minutes to the gentleman from South Carolina (Mr. SPRATT).

(Mr. SPRATT asked and was given permission to revise and extend his remarks.)

Mr. SPRATT. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, as a veteran of every textile battle that has been fought on this floor for the last 20 years, let me warn my colleagues, you are badly mistaken if you think this bill is going to help our beaten and beleaguered industry.

First of all, it purports to put up $9.5 million for additional Customs enforcement. I am not one to look a gift horse in the mouth, I am glad to have $9.5 million, but I am also sensible enough to know that it does not amount to a thing until there is an appropriation. And what bill would provide the appropriation? Treasury-Postal. Long gone. When is there another vehicle coming? Who knows.

Secondly, this bill purports to deal with transshipment. Now, this is a chronic problem. I know it. I have offered legislation in the past to deal with it. If you wanted to get at it, you would get at the biggest offender, China, when the MFN bill came through here.

In any event, this is not the real problem today, because transhipment is mainly about quota evasion, and quotas have grown so liberal and increased every year that we have a $77 billion trade deficit today in textiles and apparel.

In any event, in any event, changing the definition of transshipment and asking for a General Accounting Office report on transshipment is not going to do a doggone thing about the problem until you put up money for additional Customs enforcement agents to do something about it.

My friends, if you want to make sure textiles do not become the sacrificial lamb, the donor industry, in the next round of trade negotiations, if that is what you want to do, we ought to be out here on the floor mandating USTR, no further tariff cuts in textiles, no acceleration of the integration agreement and the abandonment of quotas.

Textiles, believe me, Mr. Speaker, is an industry that is not just hurting, but is hemorrhaging and in desperate need of help, but this bill is deceitful in pretending to help and doing so very little.

The SPEAKER pro tempore. The gentleman from California (Mr. THOMAS) continues to reserve. The gentleman from Washington (Mr. MCDERMOTT) has 30 seconds remaining.

Mr. MCDERMOTT. Mr. Speaker, I yield myself the balance of my time to close.

Mr. Speaker, there is an old rule in politics: If you got the votes, shut up. And I guess that is what the chairman is thinking.

But the fact is that the silence on the other side in answer to these constitutional questions, the fact that the chairman of the Committee on the Judiciary never even came out here, no one came out here to rebut a single question of the Constitution, speaks louder than any words you could have spoken in the minutes that you have reserved.

I am sure that when people listen, I guess silence means assent, they agree on the other side that we are right. We are taking away fourth amendment rights, and we are doing it without any hearings.

This is really a sad day for the Constitution on the floor of the House of Representatives.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I hope the folks who are listening and watching appreciate that someone who is listening and watching happens to be named Stephen L. Basha. Stephen L. Basha just called and said he could not believe what was occurring on the floor of the House.

Stephen L. Basha just happens to be the Associate Chief Counsel of the Office of Chief Counsel of the U.S. Customs Service. He was the gentleman who was at a hearing. You have heard representations that we have had no hearings. The testimony from the committee will show we had hearings, and one of the principal witnesses was the very same Stephen L. Basha, who indicated that there are hundreds of Customs workers following the law who are, nevertheless, sued. They are sued up to and including their homes being attached. They are put through years of meat-grinder court cases by money-grubbing attorneys looking for cheap settlement, and, after years, they are vindicated.

There is no question that in any situation when you are dealing with sensitive things like trying to make sure that terrorists do not come into this country, that drug dealers do not walk right past honest citizens, that there may be a mistake or two being made.

The key there is in education, to make sure that these very useful profile techniques are constantly improved; that the people who are utilizing these are required to have sensitivity training; that they are required to know clearly the law; and that in the course of the testimony you will find, and I am not allowed to read from it under the Rules of the House, but it is here, a clear understanding and a commitment upon the recommendation of the Democrats that we require the information that is the lawful structure of that profiling to be prominently displayed to make sure that the workers are sensitized.

□ 1115

Now, I have heard several times that this is a power grab by the Committee on Ways and Means; that we are going around the jurisdiction of other committees. Seated just to the right and behind the Speaker is the Parliamentarian. The Parliamentarian is a nonpartisan professional job. Their job is to analyze legislation and determine where it should go based upon the content of the legislation and the jurisdiction of the committees. Had this had an involvement with the Committee on

the Judiciary, under the Rules of the House, the nonpartisan Parliamentarian would have said that the Committee on the Judiciary must be involved, either through primary jurisdiction, through concurrent jurisdiction, or through sequential jurisdiction. None of those jurisdictional provisions were called for. Power grab?

It is interesting that the gentleman from Texas lays upon this small and modest bill what he perceives to be the sins of the Bush administration through the Attorney General to try to protect the American people from further terrorist acts. This bill contains money not only to help in protecting against terrorism, but against drug addiction and against child pornography. If folks believe that this one, small provision requested by Customs to protect Customs officers in the lawful carrying out of their job is just too much for them, then vote against increasing our ability to protect Americans against terrorism, vote against a better, more efficient drug addiction structure, and vote against all of the new technological capabilities in going after those who prey on our youth.

Now, the other thing that really amazes me, but sometimes my threshold for amazement is not as high as it probably should be; the gentlewoman from Texas in her remarks said this bill came out of committee on a party-line vote. Again, if my colleagues will check the records of the committee, she is absolutely, flat out, factually wrong. How can I say that? Because this did not come out of the committee with a vote recorded at all. Not only was it not a party-line vote, there was no vote. The record will show that there was no vote requested by the minority on ordering this bill from the committee to the floor. It was ordered from the committee to the floor on a voice vote. And yet, at the eleventh hour, all of these indignations are surfacing on a provision that was there, requested by the Customs officials, so that the hard-working, frontline soldiers at our border are not unnecessarily harassed in trying to carry out the law and in protecting Americans from drugs, from terrorism, and from child pornography.

So in terms of the criticism that how come it has taken so long to bring this to the floor, which we heard, and then how come we are rushing it through; once again, if we take every side of the argument to stop a piece of legislation, the assumption is we may not necessarily be arguing about what is in the legislation, we just want the world to stop. Because in stopping the world, then the things that need to be done will not go forward and maybe, just maybe, somebody might be fooled into thinking that this would be a reason to vote for one person over another. If that is, in fact, the reason that we are opposing this piece of legislation, that is probably the worst possible reason that anyone could offer.

What this is is a modest Customs reauthorization, and what it does is extend Customs' ability to deal with problems that are manifest, including the failure of the Customs Department to focus on areas that people who are concerned about illegal textiles, like transshipment, need to be focused on. We not only say more agents need to be involved, we say more money ought to be placed on the table. We do both in this bill. Is it enough? Probably not. Is it more than what we are doing now? Yes. Will it be better than yesterday? Yes.

The gentleman from Washington said that we placed a study in the bill; again, he is factually flat out wrong. I said at the beginning that we were removing provisions of the bill. We did not add a study; we removed a provision. So when someone stands up and exhorts all of the problems and arrows of the world that have been inflicted on them by everyone else and says, all of it is manifest in this particular bill, I would ask that they actually take a look at what it is that we are placing before the House of Representatives in this bill. It is Customs reauthorization. It deals with those frontline soldiers who have an extremely difficult job; it provides them with a few more resources; it provides them with a few more technological tools in doing the job that they do, on the whole, very well, and that, hopefully, with this particular piece of legislation, they will be able to do it even better.

Mr. OTTER. Mr. Speaker, I rise today to discuss H.R. 3129, the Customs Border Security Act of 2001. Most of H.R. 3129 is a well-crafted and needed response to the events of September 11. I firmly believe that we need to strengthen the U.S. Customs Service to properly guard against the threats we now face. I particularly support the bill's provision for 285 new customs officers along the Canadian border. I represent a State that borders Canada and have seen the vast increase in traffic along US–95, one of our Nation's NAFTA corridors. Adding more customs officers will help protect Idaho, and the United States, from those who would seek to use the world's longest peaceful border against us.

I also strongly support the provision raising the personal exemption for goods brought back into the United States from $400 to $800. This step will help facilitate the growth of tourism and cut through much useless red tape.

Unfortunately, H.R. 3129 contained provisions that forced me to vote against it. In particular, section 141 establishes so-called ''good-faith'' protection for customs officers who violate the law in the course of carrying out their duties. If enacted into law section 141 would prohibit those affected by such lawbreaking from seeking damages from the guilty parties.

Working men and women are punished every day in Idaho for alleged violations of Federal laws they didn't even know existed. Sadly their ''good-faith'' carries no weight with the enforcement bureaucracies of the Federal Government. The officials who enforce these laws should be held to the same standards. Granting Federal bureaucrats special exemptions from the law is to establish an artificial separation of the government from the governed. Retaining the right to sue government officials for violations of our rights is the best defense imaginable for ensuring that those rights are protected in the first place. I cannot vote to remove this protection from my constituents.

I welcome the announcement by Chairman THOMAS that he will be bringing this bill up under regular order in the near future. I look forward to working with him and Members from both sides of the aisle to improve this bill and improve our Customs Service.

Mr. THOMAS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ISAKSON). The question is on the motion offered by the gentleman from California (Mr. THOMAS) that the House suspend the rules and pass the bill, H.R. 3129, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. MCDERMOTT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has concluded on all motions to suspend the rules.

Pursuant to clause 8 of rule XX, the Chair will now put the question on motions to suspend the rules on which further proceedings were postponed earlier today.

Votes will be taken in the following order:

H.R. 3008, by the yeas and nays;

H.R. 3129, by the yeas and nays.

The Chair will reduce to 5 minutes the time for the second vote in this series.

TRADE ADJUSTMENT ASSISTANCE PROGRAM REAUTHORIZATION ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3008, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. THOMAS) that the House suspend the rules and pass the bill, H.R. 3008, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 420, nays 3, answered ''present'' 1, not voting 9, as follows:

[Roll No. 477]

YEAS—420

Ackerman	Allen	Baca
Aderholt	Andrews	Bachus
Akin	Armey	Baird

Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—3

Abercrombie
Flake
Paul

ANSWERED ''PRESENT''—1

Filner

NOT VOTING—9

Brown (SC)
Clyburn
Cubin
Hostettler
Meek (FL)
Morella
Quinn
Roukema
Young (AK)

□ 1148

Mr. TAYLOR of Mississippi changed his vote from ''nay'' to ''yea.''

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: ''A bill to reauthorize the trade adjustment assistance program under the Trade Act of 1974, and for other purposes.''.

A motion to reconsider was laid upon the table.

Stated for:

Mr. BROWN of South Carolina. Mr. Speaker, on rollcall No. 477 I was unavoidably detained. Had I been present, I would have voted ''yea.''

Mr. ABERCROMBIE. Mr. Speaker, in the matter of rollcall 477, H.R. 3008, I was recorded as voting ''no'' when I intended to vote ''yea.''

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ISAKSON). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on the motion to suspend the rules on which the Chair has postponed further proceedings.

CUSTOMS BORDER SECURITY ACT OF 2001

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3129, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. THOMAS) that the House suspend the rules and pass the bill, H.R. 3129, as amended, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 256, nays 168, not voting 9, as follows:

[Roll No. 478]

YEAS—256

Aderholt
Akin
Armey
Bachus
Baird
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bentsen
Bereuter
Berry
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boswell
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Castle
Chabot
Chambliss
Clement
Coble
Collins
Combest
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Houghton
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kaptur
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Knollenberg
Kolbe
LaFalce
LaHood
Langevin
Largent
Larsen (WA)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Matheson
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Moran (VA)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Osborne
Ose
Oxley
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reyes
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Matheson
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Moran (VA)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Osborne
Ose
Oxley
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reyes
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)

Smith (TX)	Taylor (NC)	Watkins (OK)
Smith (WA)	Terry	Watts (OK)
Snyder	Thomas	Weldon (FL)
Souder	Thornberry	Weldon (PA)
Spratt	Thune	Weller
Stearns	Tiahrt	Wexler
Stenholm	Tiberi	Whitfield
Stump	Toomey	Wicker
Sununu	Traficant	Wilson
Sweeney	Upton	Wolf
Tancredo	Vitter	Wu
Tanner	Walden	Young (FL)
Tauzin	Walsh	
Taylor (MS)	Wamp	

NAYS—168

Abercrombie	Gutierrez	Napolitano
Ackerman	Harman	Neal
Allen	Hastings (FL)	Oberstar
Andrews	Hill	Obey
Baca	Hilliard	Olver
Baldacci	Hinchey	Otter
Baldwin	Hinojosa	Owens
Barcia	Hoeffel	Pallone
Barrett	Holden	Pascrell
Becerra	Holt	Pastor
Berkley	Honda	Paul
Berman	Hooley	Payne
Bishop	Hoyer	Pelosi
Blagojevich	Inslee	Peterson (MN)
Blumenauer	Jackson (IL)	Rahall
Bonior	Jackson-Lee (TX)	Rangel
Borski	Jefferson	Rivers
Boucher	Johnson, E. B.	Rodriguez
Brady (PA)	Jones (OH)	Roemer
Brown (FL)	Kanjorski	Rothman
Brown (OH)	Kennedy (RI)	Roybal-Allard
Capps	Kildee	Rush
Capuano	Kilpatrick	Sabo
Cardin	Kind (WI)	Sanchez
Carson (IN)	Kleczka	Sanders
Clay	Kucinich	Sandlin
Clayton	Lampson	Sawyer
Condit	Lantos	Schakowsky
Conyers	Larson (CT)	Schiff
Coyne	Lee	Scott
Crowley	Levin	Serrano
Cummings	Lewis (GA)	Sherman
Davis (CA)	Lofgren	Skelton
Davis (FL)	Lowey	Slaughter
Davis (IL)	Lynch	Solis
DeFazio	Markey	Stark
DeGette	Mascara	Strickland
Delahunt	Matsui	Stupak
DeLauro	McCarthy (MO)	Tauscher
Deutsch	McCarthy (NY)	Thompson (CA)
Dicks	McCollum	Thompson (MS)
Dingell	McDermott	Thurman
Doggett	McGovern	Tierney
Dooley	McKinney	Towns
Doyle	McNulty	Turner
Edwards	Meehan	Udall (CO)
Engel	Meeks (NY)	Udall (NM)
Eshoo	Menendez	Velazquez
Evans	Millender-McDonald	Visclosky
Farr	Miller, George	Waters
Fattah	Mink	Watson (CA)
Filner	Mollohan	Watt (NC)
Ford	Moore	Waxman
Frank	Murtha	Weiner
Frost	Nadler	Woolsey
Gephardt		Wynn
Gonzalez		

NOT VOTING—9

Brown (SC)	Hostettler	Quinn
Clyburn	Kirk	Roukema
Cubin	Meek (FL)	Young (AK)

□ 1159

Mr. CROWLEY changed his vote from ''yea'' to ''nay.''

Mr. ISRAEL changed his vote from ''nay'' to ''yea.''

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. BROWN of South Carolina. Mr. Speaker, on rollcall No. 478 I was unavoidably detained. Had I been present, I would have voted ''yea.''

Mr. KIRK. Mr. Speaker, on rollcall vote 478, I would have voted ''yea.''

GENERAL LEAVE

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3008 and that, as a matter of notice, H.R. 3129 will reappear on the floor under a rule.

The SPEAKER pro tempore (Mr. ISAKSON). Is there objection to the request of the gentleman from California?

There was no objection.

BIPARTISAN TRADE PROMOTION AUTHORITY ACT OF 2001

Mr. REYNOLDS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 306 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 306

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 3005) to extend trade authorities procedures with respect to reciprocal trade agreements. The bill shall be considered as read for amendment. The amendment recommended by the Committee on Ways and Means now printed in the bill, modified by the amendment printed in the report of the Committee on Rules accompanying this resolution, shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from New York (Mr. REYNOLDS) is recognized for 1 hour.

Mr. REYNOLDS. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS) pending which I yield myself such time as I may consume. During consideration of this resolution, all time is yielded for the purpose of debate only.

Mr. Speaker, House Resolution 306 is a closed rule providing for consideration of H.R. 3005, the Bipartisan Trade Promotion Authority Act of 2001, with an hour of debate in the House equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means.

The rule waives all points of order against consideration of the bill.

Additionally, the rule provides that the amendment recommended by the Committee on Ways and Means now printed in the rule, modified by the amendment printed in the report of the Committee on Rules accompanying this resolution, shall be considered as adopted.

Finally, the rule provides for one motion to recommit with or without instructions.

Before I begin, there are many people responsible for this bipartisan compromise legislation on the floor today. The leadership of this House has been remarkable in educating Members and in reaching out to address their concerns. The gentleman from California (Mr. DREIER), the gentleman from California (Mr. THOMAS), and the gentleman from Illinois (Mr. CRANE) have been the driving force behind free trade; and I thank them and our colleagues on the other side of the aisle, the gentleman from California (Mr. DOOLEY), the gentleman from Louisiana (Mr. JEFFERSON), and the gentleman from Tennessee (Mr. TANNER), for their diligence and their perseverance.

Mr. Speaker, there was a time when this country could boast that we were the world leader in shaping the rules for international trade, globalization and open markets. Sadly, this is no longer the case.

There are more than 130 regional trade agreements in force today, but only three including the United States. To our south, Mexico has trade deals in at least 28 countries, while across the ocean, the European Union has trade agreements with 27 other countries.

In 1999 one-third of the world exports were covered by EU agreements. Only one-tenth of the world exports were covered by U.S. agreements, sending dollars and jobs to competitors that should have been in the United States.

We are the most competitive Nation in the world, yet we rank 26th in the world in bilateral investment treaties.

We have nearly completed the first year of the 21st century, the new millennium; yet America's trade agenda is still puttering along in a slow lane while our trade partners around the globe speed past us, and every day we get left behind, and our economy and our families are hurt even more.

Each day that America delays, other countries throughout the world are entering into trade agreements without us, gradually surrounding the United States with a network of trade agreements that benefit their workers, their farmers, their businesses and their economies at the expense of us. In short, our trading partners are writing the rules of world trade without us.

How important is this to American jobs and the American economy?

In my State, international trade is a primary generator of business and job growth. In the Buffalo area, the highest manufacturing employment sectors are also among the State's top merchandise export industries, including electronics, fabricated metals, industrial machinery, transportation equipment and food products. Consequently, as exports increase, employment in these sectors will also increase.

From family farms to the high-tech start-ups to established businesses and manufacturers, increasing free and fair trade will keep our economy going and create jobs in our community.

With America at war, now may seem like the time for our country to close

its borders and discourage global interaction. Nothing could be further from the truth.

Never has it been more apparent that we need to enhance and strengthen friendships around the world, and what better way to build coalitions than with free trade.

In the 1960 Democratic platform, President Kennedy put it best in the following message that is relevant both then as it is now. World trade is more than ever essential to world peace. We must therefore resist the temptation to accept remedies that deny American producers and consumers access to world markets and destroy the prosperity of our friends in the non-Communist world.

We can neither deny nor ignore the correlation between peace and free trade.

Not only does the war on terrorism influence the need for free trade, but the anticipated economic opportunities for American workers, farmers and companies will provide a much needed boost to our uncertain economy.

Just look at the facts. One in 10 Americans, nearly 12 million people, work at jobs that depend on exports of goods and services. American farmers exported $51 billion in agricultural products and crops last year that supported 750,000 jobs.

In New York alone, my home State, the number of companies exported increased 61 percent from 1992 to 1998. Currently, the wages of New York workers in jobs supported by exports are 13 to 18 percent higher than the national average. The imports provide consumers and businesses in New York with wider choice in the marketplace, thereby enhancing living standards and contributing to competitiveness.

The world is not waiting while the United States putters along. Trade Promotion Authority offers the best chance for the United States to reclaim leadership in opening foreign markets, expanding global economic opportunities for American producers and workers, and developing the virtues of democracy around the world.

The President has said open trade is not just an economic opportunity, it is a moral imperative. The prosperity and integrity of global democracy is at stake, and it is incumbent upon us to pull into the fast lane in order to reap the benefits of free trade.

What we ask for today is nothing new. Until its expiration in 1994, every President from Richard Nixon through Bill Clinton has enjoyed the right of Trade Promotion Authority. This President deserves the same right.

I strongly urge my colleagues to do the right thing for America. Support this rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I thank the gentleman from New York (Mr. REYNOLDS), my good friend, for yielding me the customary 30 minutes.

Mr. Speaker, at the risk of being the House contrarian this morning, I again rise in strong opposition to this unfair rule and equally strong opposition to the underlying bill.

At the outset, let me explain the procedural problems with this rule that was reported late last night. Recently, we have heard so much about the new spirit of bipartisanship that is flowering throughout D.C. Unfortunately, the majority members of the House Committee on Rules must not have gotten this memo.

Mr. Speaker, I remember well the times that Republican after Republican came to this floor to decry so-called unfair, heavy-handed tactics that my party used when we held the majority in this Chamber. At that time, Republicans were outraged and incredulous each time an important bill came to the House floor under a closed rule which prohibited serious debate.

This is the exact rule that the Republicans would like us to work under today. So I say to my Republican colleagues, where is the outrage? Where is the disdain? My guess is that the disdain and outrage are packed and ready to go on 4 o'clock planes that they are trying to catch today. What other reason could there be for closing off such important debate?

Let there be no mistake, Mr. Speaker. The bill that we consider today will have profound and long lasting effects on every State in this great country and on citizens throughout the world, and instead of allowing a fair and open debate, the majority is trying to squelch the voices that they wish not to hear.

No amendments or substitute are permitted to this bill. The gentleman from New York (Mr. RANGEL), one of the most respected and distinguished Members of this body, a Member who has served nearly 27 years on the House Committee on Ways and Means, who knows as much about trade as anybody in the House of Representatives, will not be permitted to offer an amendment or substitute to this bill. Frankly, this is not simply unfair; it is offensive.

Moreover, there were a number of other Members who came to the Committee on Rules late last night to ask that their amendments be permitted to be offered. They were all denied their request.

What are Americans being denied the right to hear about? One example, the gentleman from Oregon (Mr. WU), our thoughtful colleague, would have liked to offer an amendment making human rights considerations a principal objective of our trade compacts. If this rule passes, the gentleman from Oregon (Mr. WU) will not be able to offer his commonsense amendment.

Another example, the gentlewoman from California (Ms. WATERS) had sensible amendments related to some of our neediest trading partners in Africa. Like the Wu and Rangel amendment, the American people will be denied the right to hear the gentlewoman from California's amendment.

How the majority is not embarrassed to bring such a rule to the House floor is simply beyond my comprehension.

Setting aside for a moment the gross problem with this rule, there are significant concerns related to the underlying bill.

Mr. Speaker, I am disappointed that the Trade Promotion Authority, formerly Fast Track, legislation completely ignores the legitimate concerns many people have raised about the negative impact of current trade policies on working families, the environment, family farmers, consumers, small- and mid-sized businesses, people of color and women here in the United States and around the world.

At a time when more than 700,000 layoffs have been announced since September 11, more than 2 million Americans have lost their jobs this year; and on the heels of the largest bankruptcy filing in the history of our country, where thousands more will soon receive a pink slip, the other side of the aisle is coming to the floor today to lay the foundation for the loss of hundreds of thousands of jobs by more Americans in the immediate future.

To top it off, just a short while ago this body reauthorized funding for trade adjustment assistance in anticipation of imminent job losses from future trade agreements.

□ 1215

Talk about a self-fulfilling prophecy.

You see, Mr. Speaker, today we are not voting on one trade agreement versus another. Rather, we are voting on giving the President open-ended authority to go ahead and commit the United States to trade agreements without allowing Congress substantive consultation on the specifics of the agreement. To provide this open-ended authority to the President without requiring that environmental and labor standards be included in any trade agreement is nothing short of hammering another nail in the coffin of hundreds of American industries nationwide.

I support free trade. I was told last night in the Committee on Rules meeting that the manager's amendment will protect agriculture; that it will protect sugar in my State. Well, it did not. I have in the past, and will again, support free trade. However, any free trade agreement must be a fair trade agreement.

It is outrageous to expect the American agricultural industry to compete with South American, Central American, or Asian agricultural industries who are not required to pay their workers a minimum living wage and are not held to the same environmental standards as farmers here in the U.S.

Don't believe me? Look at what NAFTA did to my home state of Florida, specifically the agriculture industry. From citrus to sugar and from rice to tomatoes, Florida's agricultural industry has lost thousands of jobs as a direct

result of NAFTA. While Mexican farmers have profited, companies have closed and Florida no longer have jobs.

The President has made it no secret that the first thing he will do with fast track authority is to move forward with the Free Trade Area of the Americas agreement. The FTAA agreement, as currently written, could result in Florida's citrus and sugar industries, along with fruit and vegetable industries nationwide, ceasing to exist. South American farmers who pay their workers pennies and do nothing to preserve the land they grow or the environment they pillage, could wipe out the U.S. agriculture industry before we know what hit us.

As I mentioned at the outset and for the reasons just explained, I oppose adoption of this rule.

Mr. Speaker, I reserve the balance of my time.

Mr. REYNOLDS. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules, and an architect of this important legislation.

(Mr. DREIER asked and was given permission to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, I rise in strong support of this rule. This is a fair rule. Yes, it is a closed rule, but this rule is about procedure. My colleagues are either for granting the President Trade Promotion Authority or they are against granting the President Trade Promotion Authority. So I do not know what all this argument is about all these other issues.

Yes, we have worked long and hard to fashion a package. The gentleman from California (Mr. THOMAS), the chairman of the Committee on Ways and Means, and a wide range of people on both sides of the aisle have worked on this issue, and now we have come down to the point where Members of Congress will have to make a choice. They will either vote ''yes'' to give the President authority or they will vote ''no,'' and that is what this rule provides us with the opportunity to do.

It is very fair, it is very balanced, and it is, quite frankly, the way rules that have addressed trade issues in the past have been addressed. So this is nothing new. When our friends on the other side of the aisle, Mr. Speaker, were in the majority, this is exactly the way they moved the rules dealing with trade issues. And so we have learned from you all so well. So we are following your model to a T here, and thank you very much for setting the example for us.

Mr. Speaker, we all know that last week we learned with absolute certainty that our economy is faced with economic recession. It is a great difficult time for many of us. Many of our fellow Americans have been laid off. There is a great deal of suffering taking place. We are all aware of that, and we know it was dramatically exacerbated following September 11. What we are about to do, Mr. Speaker, I believe, may be one of the most important things that can help us turn the corner for those Americans who are suffering today.

What is it that trade agreements mean for America? They will provide and have traditionally provided targeted tax relief to America's working families by giving them access to high-quality products at low prices. They create better, higher-paying jobs by prying open new markets for America's world-class goods and services around the world. And we know that those involved in the area of exports traditionally earn between 13 and 18 percent higher income levels than those goods that are produced simply for domestic consumption here in the United States. So by prying open new markets, we create opportunities for higher wage rates for American workers.

They also provide that very important and powerful link between nations who want to participate peacefully in the global marketplace. And, Mr. Speaker, I believe that every shred of empirical evidence that we have leads us to conclude that American exports and American trade provide us the opportunity to do one of the most important things that we can, and that is export our western values throughout the world.

We know that as we deal with this challenging war against terrorism, trying to expand economic opportunity so that people have choices will go a long way towards dealing with this issue. The global leadership role that the President has played, especially since September 11, has been heralded by Democrats and Republicans alike. And I believe that this tool which we are on the verge of giving him will be able to go a long way towards effectively dealing with this issue.

This is a positive, very positive rule. It is a good bill. My colleagues should join in strong support of it, and I thank my colleague for yielding me this time.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 5 minutes to the distinguished gentleman from New York (Mr. RANGEL), the dean of the New York delegation and a 27-year-member of the Committee on Ways and Means.

Mr. RANGEL. Mr. Speaker, I take the floor in opposition to the rule. And I regret that the distinguished chairman of the committee has left the floor, because I do believe that, being in the minority, that the Committee on Rules has been extremely fair in giving Democrats an opportunity, not to pass anything and not to get any votes from them, but at least to give us the opportunity as the minority to have our views heard.

This bill has been called a bipartisan bill. And you can call it bipartisan all day and all night, this year and next year, but you can put wings on a pig and he cannot fly. This is not a bipartisan bill. Bipartisan means, to the chairman of the Committee on Ways and Means, walking down the hall with RANGEL and giving him an opportunity to talk about trade. If I miss that, then I miss the bipartisanship.

This was never discussed in the subcommittee, it never was discussed in the full committee, never discussed with Democrats, but there were meetings with two Democrats with the chairman. And he concluded after those conversations that ended compromise, that ended discussion, and that was the end product.

Now, we are used to that on the Committee on Ways and Means, because my chairman truly believes that he was violated by former chairman Dan Rostenkowski, and he is going to spend the rest of his legislative career making us pay for it. That is okay. We all understand that and we will work with it. But we always thought the Committee on Rules was different. We always thought the Committee on Rules knew that they were in the majority, the Republicans; they had the votes, so they at least would let us have an opportunity to express ourselves.

We know that we have the constitutional responsibility to deal in trade, but we know it is the President, like the head of any State, that has the responsibility to do it. But when you delegate your responsibility, there should be some checks, there should be some balances, there should be some credibility as to what you are doing.

We know Republicans are concerned about labor standards. They do not support slave labor and child labor. They would like people to organize. We believe that we would not want foreigners to have a better opportunity in investment than Americans. We believe Republicans truly believe that the Congress should not just be consulted but should protect its constitutional right to make certain that foreign organizations do not destroy the laws that we have.

But just to be so afraid that we will be heard because you do not have the votes or you have not bought enough votes or you do not have enough vehicles to talk about what you are going to give in some other field that you do not even give us a chance to tell you that we believe let us have TPA, let us have fast track, but we think there is a better way to do it.

Why would you not give the gentleman from Michigan (Mr. LEVIN) an opportunity to show you what we have worked on? Is he someone that is a protectionist; someone that stood up to the United Auto Workers in Detroit; someone that we would not have had a bill with China had he not worked with the gentleman from Nebraska (Mr. BEREUTER)? You know it and I know it.

What about the gentleman from California (Mr. MATSUI)? He worked so hard for NAFTA, the North American Free Trade Agreement. Who can deny that this man has dedicated his life to free trade?

What about the gentleman from Washington (Mr. MCDERMOTT)? He will not be able to be heard on the bill that we crafted; someone that opened the doors for trade with sub-Saharan Africa?

Are you so afraid of another view, are you so frightened that we will be heard and that you would lose some of the votes?

And then this terrorism thing. How dare people say that we are not fighting the war against terrorism because we do not do what the gentleman from California (Mr. THOMAS) says that we should do. Fighting the war against terrorism, the President says, requires a bipartisan approach. It means that it is not chairmen who run and rule; it is bipartisanship, Democrats and Republicans working together, working their will, and presenting something to us.

But I tell you this: If you really believe that doing the right thing with unemployment compensation and doing the right thing with health, when you have not done the right thing all year, that you are going to pick up some votes in doing it, and for those people who do not like the bill but are concerned about the crises and the hardships of people who have lost their jobs, and they are going to take a promise from the majority to trust them, vote for this bill and they will do the right thing for health insurance, if you believe that, I have a great bridge in Brooklyn I would like to discuss with you.

Mr. REYNOLDS. Mr. Speaker, I yield myself such time as I may consume to comment that listening to the comments of the dean of the delegation from New York, and listening to his remarks as the ranking member of the Committee on Ways and Means, ranking minority member, there are a lot of views to life. I have this glass of water. Some would say that it is half empty. I prefer to look at it as half full.

I do not know that any of us totally have an exact definition of what bipartisanship is. This is an up-or-down vote. This is not a Republican or a Democrat issue. We are either for free and fair trade and giving the President the authority to enter bilateral agreements or we are not. That is what that rule is about, to bring the bill to the floor and vote it up or down.

I look at it as bipartisanship, the same way I look at this half full glass of water that is on this table. There are six sponsors, three Democrats, three Republicans. About as bipartisan as I have seen anything be around here, with the gentleman from California (Mr. DREIER), the gentleman from California (Mr. THOMAS), the gentleman from Illinois (Mr. CRANE), the gentleman from California (Mr. DOOLEY), the gentleman from Louisiana (Mr. JEFFERSON), and the gentleman from Tennessee (Mr. TANNER).

I hope that the Members, as they come and listen to this debate and as they cast their vote, will see that it is, once and for all, a simple rule that gives us the opportunity to vote for a decision to give the promotion authority to the President and have free and fair trade or we do not.

Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. DIAZ-BALART), a member of the Committee on Rules.

Mr. DIAZ-BALART. Mr. Speaker, I thank my friend from New York for yielding me this time.

Mr. Speaker, this is a crucial moment, a crossroad for democracy in the Western Hemisphere. I recognize that there are legitimate concerns anytime Congress cedes authority granted to it by the Constitution. I, in fact, opposed granting President Clinton this authority. I did not trust him. But I trust President Bush. I voted last night in the House Committee on Rules to grant the President Trade Promotion Authority, and I will do so today as well on the House floor.

We have a unique opportunity to strengthen democracy in the Western Hemisphere. Nations in this hemisphere are facing numerous challenges that threaten their fledgling democracies, including narco-trafficking and terrorism. One of the surest ways to support democracy in our hemisphere is by facilitating the emergence of a common market of the Americas, the free trade area of the Americas, the FTAA. I strongly support free trade among free peoples; free trade among free peoples is good economically and it is ethical.

An FTAA that incorporates a strong, enforceable democracy requirement is the best hope for protecting unstable democracies and for exporting it to where tyranny now reins.

The European Community, now the European Union, insisted on democracy as a requirement for membership, and that contributed directly and effectively to the democratization of Spain and Portugal after the deaths of dictators Francisco Franco and Antonio de Oliveira Salazar in the decade of the 1970s.

The Declaration of Quebec City of April 2001, from the most recent Summit of the Americas, the process, Mr. Speaker, leading to the FTAA, made a similar commitment to democracy: The maintenance and strengthening of the rule of law and strict respect for the democratic system are, at the same time, a goal and a shared commitment and are an essential condition of our presence at this and future summits, all of the democratically elected heads of State in the hemisphere stated in April in Quebec. Consequently, disruption of the democratic order in a state of the Hemisphere constitutes an insurmountable obstacle to the participation of that state's government in the Summit of the Americas process.''

□ 1230

The Summit of the Americas process is clearly headed in the right direction, but strong leadership by the United States is needed to make democracy in the entire hemisphere a permanent reality. Without Trade Promotion Authority, President Bush would not be able to achieve an FTAA with a strong democracy requirement. Accordingly, it is crucial that we pass Trade Promotion Authority for the President today.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I remind the gentleman from Florida (Mr. DIAZ-BALART) that certainly he remembers after NAFTA we lost considerable jobs in the State of Florida; and with the Free Trade Area of the Americas agreement, the likelihood is that can occur again.

Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. LEVIN).

(Mr. LEVIN asked and was given permission to revise and extend his remarks.)

Mr. LEVIN. Mr. Speaker, the notion that the U.S. has been standing still in trade is nonsense. Africa, CBI, Jordan, China, NTR, Cambodia, in the last few years, indeed, globalization is here to stay. The main issue today is not free trade versus protectionism. That is an old label for a new bottle of issues.

This is primarily a debate among supporters of expanding trade, whether to shape trade policy to maximize its benefits and minimize its losses. Supporters of the Thomas bill believe no. Essentially more trade is always better whatever the term, so they are comfortable with providing vague negotiating objectives, running away from issues like labor and the environment and leaving Congress in essentially the role of a consultant.

This is not time for a one-dimensional approach. It is a new world, new nations, expanding issues. For example, on core labor standards, the Rangel approach is clear and effective, a principal negotiating objective, increasingly enforcing ILO core labor standards. Thomas, each nation is essentially left on its own no matter how inadequate its laws. And the manager's amendment that was suddenly introduced last night only makes it worse, leaving a weak provision essentially powerless in its enforcement.

On investment, the Rangel bill is clear and unambiguous. No greater rights for foreign investors. The Thomas bill dances around this issue.

Then on the role of Congress, those of us who see the need to shape trade want to ensure an active and ongoing role for Congress. This is a necessary corollary of the fact that trade is more important than ever. The Thomas bill only enhances the role of Congress as a consultant, tracking the Archer-Crane language of 3 years ago.

The manager's amendment tried to beef this up by saying any Member can put forth a resolution to withdraw Fast Track; but it only reaches the floor if it goes through the Committee on Ways and Means and the Committee on Rules.

In this and so many other ways, the Thomas bill sometimes talks the talk, but does not walk the walk. We can and must do better: expand and shape trade. Fast Track authority is a major delegation of authority. We should do it the right way. Thomas does not do

so. Rangel does. Vote ''yes'' on Rangel and vote ''no'' on Thomas.

Mr. REYNOLDS. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. KELLER).

Mr. KELLER. Mr. Speaker, I rise today in strong support of the Bipartisan Trade Promotion Authority Act, and this is why: 95 percent of the world's population is outside of the United States. It is critical that we give the President the tools he needs to open up markets all across the world for our goods and services. By increasing America's export markets, we will increase the number of high-paying high-tech jobs in the United States.

A good example of that is the Recoton Corporation in central Florida, which is the Nation's largest consumer electronics manufacturer in the area of car stereo speakers. Recoton's president, Mr. Bob Borchardt, is also the chairman of the Electronics Industry Alliance.

Mr. Borchardt tells me that only 10 percent of his company's sales are outside of North America, and that passing Trade Promotion Authority will help open up foreign markets and will result in his company creating many new jobs in central Florida.

Mr. Speaker, now is not the time to isolate America. Let us pass TPA and give our economy a much-needed boost.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 3½ minutes to the gentleman from Oregon (Mr. WU).

(Mr. WU asked and was given permission to revise and extend his remarks.)

Mr. WU. Mr. Speaker, I rise today as a former technology and trade attorney. I have negotiated international trade agreements. I am in favor of international trade, and we do need to build a stable consensus in favor of international trade. But from my personal experience, I know that there are winners and there are losers in trade; and we must work to ensure, to ensure, that this rising tide of international trade truly lifts all boats instead of leaving some behind. This requires meaningful protection of the environment, of labor rights, and most importantly to me, of human rights. This bill, the Thomas bill, does not do so. I reluctantly oppose the bill.

Mr. Speaker, we proposed amendments to improve this bill last night. They were all rejected by the Committee on Rules. Therefore, I strongly oppose the rule under which this bill is considered.

With respect to the environment, I call Members' attention to page 18, section 2(b)(11)(B) of this bill. It constitutes a huge loophole. This bill is literally a Trojan horse with respect to the environment. There is no meaningful protection for the environment in this bill. The manager's amendment exacerbates this problem, and I quote from the manager's amendments, ''No retaliation may be authorized based on labor standards and levels of environmental protection.'' I think the language speaks for itself. This bill is a Trojan horse with respect to the environment.

With respect to some other basic rights, such as Americans knowing what they eat, I call Members' attention to page 14, section 2(b)(10)(viii)(II). This takes away our right to know what we eat. The amendment that the gentlewoman from California (Mrs. BONO) passed earlier this year would be eviscerated by this particular provision. The chairman would undoubtedly say it would be based on good science. I think this would be the kind of science that we get from the cigarette companies who have yet to find a real scientific link between cancer and smoking.

Finally, my core issue of human rights. Who will speak for those who are in jail or who are intimidated into silence if we do not? There are temporary trade advantages in suppressing human rights. Mussolini made the trains run on time, and making the trains run on time can temporarily benefit an economy. But in the long term, democracy and human rights are both good for individuals and they are good for business because complex societies, it is like geology when tectonic plates come against each other: that energy can be released in little earthquakes that are barely felt. We call those elections. Or we can permit those plates to lock up and have cataclysmic earthquakes. We call those revolutions. Revolutions are always bad for business.

Good human rights is good business for the long term, but there are temporary advantages to be had by the suppression of human rights. When we have a bill which promotes trade and protects human rights, I will support that bill. That day is not today.

Mr. REYNOLDS. Mr. Speaker, I yield 1 minute to the gentlewoman from Illinois (Mrs. BIGGERT), who has worked diligently to help make this legislation come before the House.

Mrs. BIGGERT. Mr. Speaker, I rise in support of the rule on H.R. 3005 to grant Trade Promotion Authority. Few are the occasions on which Members of this body have the opportunity to shape the course of our long-term economic future as we have on this TPA vote today.

Without TPA, America will be forced onto the sidelines, watching as other nations form agreements which shut our products and services out of the most promising new markets. Without TPA, America will see its role as world leader transformed into world follower. Even our most innovative and successful companies will find themselves making a back seat to foreign competitors.

What is at stake here are the lives and livelihoods of current and future generations of American workers. Their productivity and creativity are second to none, and yet second to all this is what we will be if we tie the hands of our President. Let us untie the hands of the President, allowing his negotiators to bring home the best deals for America. I urge Members to support the rule and TPA.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 1½ minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, this is a very critical issue. We are arguing the rule. I want both sides to know these are the rules of the Constitution of the United States. Article 1 section 8 is very clear. In the last 20 years this Congress has given up its powers to the executive branch of government. We have had folks on the other side talk about it. It is very clear what article 1 section 8 says about what our responsibilities are.

In the movie ''Thelma and Louise,'' Thelma turns to Louise and says, ''Don't settle.'' We are settling here. We are settling for an erosion not only of the Constitution of the United States, an erosion of labor rights, an erosion of environmental security, an erosion of our trade imbalance which has risen to $435 billion, a $62 billion erosion according to NAFTA itself. We are making a big mistake if we vote ''yes.''

This is not a question of to trade or not to trade; this is a question of having the right rules at the right time. I ask Members to read article 1 section 8. Did constituents send Members here to give up their responsibility to the President of the United States on trade issues? Then change the Constitution. Change the Constitution is my recommendation if that is what Members wish to do.

Mr. REYNOLDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in listening to that debate, I would just reflect that there was a time when the Nation could boast that we were the world leader in shaping those rules for international trade and globalization and open markets. Sadly, this is no longer the case.

In my opening remarks I also reflected that each President from President Nixon to President Clinton had this authority, and that it was important to look at giving our sitting President the same authority, for the simple fact that while we would give the ability to negotiate, the gentleman from New Jersey (Mr. PASCRELL) would know full well that this Congress, and future Congresses, under its authority that would be given to the President, would cast a vote for each and every agreement as our Constitution protects, and any rules that may be there. It is clear that this Congress will ratify any of those agreements. The authority would allow the President to enter into those bilateral agreements.

Mr. Speaker, we are behind. There are 130 regional trade agreements in force today with only three in the United States. Mexico has 28. The European Union has 27 with other countries. It is important that we move forward to protect our jobs and grow our jobs and treat the opportunity of the

global economy as the United States marketplace.

Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. PENCE).

□ 1245

Mr. PENCE. Mr. Speaker, I thank the distinguished gentleman for his leadership and for yielding me time, and rise in strong support of the rule and of the Bipartisan Trade Promotion Authority Act today.

Mr. Speaker, I believe the question before this House, and, in many ways, before America today, is who do you trust? Do you trust the shuttered version of America that says that we will keep our own rules and we will keep to ourselves and we will maintain our place in the world, or do you trust the American worker and do you trust the American President at such a time as this?

Well, I stand today to say that I trust the American worker. The great American companies, large and small, when given an opportunity to compete in the world, not only, Mr. Speaker, do we compete, but we win, and we win consistently.

We know in Indiana that trade means jobs, $1.5 billion from this relatively small midwestern State in agricultural goods alone last year, supporting 24,000 jobs on and off the farm. And it is not only good for big business, as some on the other side might say. Ninety percent of exports in this country come from companies with less than 500 employees, and for every $1 billion in increased exports, Mr. Speaker, we create 20,000 new jobs here in America that pay an average of 17 percent more than similar jobs in the domestic economy.

I trust the American worker to compete and to win. But I also rise today to say that I trust the President. Along with more than 80 percent of the American people today, I trust President George W. Bush to put America's interests first in the world, to put American jobs, to put America's security, to put American agriculture, manufacturing, steel, all of the rest on the international negotiating table first.

I believe this President, particularly this fall, has earned our trust and earned our respect, and I urge all of my colleagues, trust the American worker, trust the American President; vote yes on the rule and the bipartisan Trade Promotion Authority.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself 15 seconds to remind the gentleman from Indiana (Mr. PENCE) that American workers cannot buy food with trust and cannot pay mortgages with trust. Certainly none of us distrust the President. I trust the American worker, but the American worker has a problem having jobs under the lack of consultation that we provide here.

Mr. Speaker, I yield 3 minutes to the distinguished ranking member, the gentleman from Texas (Mr. FROST), a person that has done an outstanding job not only on trade, but on the Committee on Rules, in trying to provide fair and open rules for all the Members of this body.

Mr. FROST. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, since September 11, the world has watched this Nation, from the President and the Congress to the U.S. military abroad and the American people here at home, pull together to wage war on terrorism.

Unfortunately, America's desperately needed economic recovery has been a different matter. Our economy has been in recession since March, long before September 11, according to the experts. Millions and millions of people are unemployed across the country. In the past few months alone, hundreds of thousands of hard-working Americans have lost their jobs.

Meanwhile, just months after Republicans passed budget-busting trillion dollar tax breaks, the administration is now admitting that the surplus it inherited is gone and America now faces years of growing debt, threatening priorities from Social Security and Medicare to homeland security and affordable health care.

How have Republican leaders responded to this problem? With billions of dollars in tax breaks for big corporations, leaving just crumbs for laid-off workers. And today, Mr. Speaker, Republican leaders are using the House to play politics for the 2002 elections. Instead of helping American workers, Republican leaders are trying to help their own fund-raising.

Do not take my word for it, Mr. Speaker. The Chairman of the Republican Campaign Committee spelled it out in the Washington Post a few days ago. For Republican leaders, he said, this Fast Track bill is about fund-raising. It does not matter, he bragged, whether this bill passes or not. Just as long as they can use it to help the Republican fund-raising, then they will be happy.

So Republican leaders have written a Fast Track bill that shortchanges working Americans from coast to coast. They have written a bill that does not protect the environment, and they have written a bill that represents a dereliction of duty by Congress, an abdication of our responsibility to protect the people we represent on issues from food safety to telecommunications.

Mr. Speaker, Democratic leaders on trade fought valiantly for a bipartisan approach that protects American workers. The gentleman from New York (Mr. RANGEL), the ranking member of the Committee on Ways and Means, and the gentleman from Michigan (Mr. LEVIN), the ranking member on the Subcommittee on Trade, tried over and over to work with Republican leaders, but their overtures were rejected because Republican leaders wanted a political issue, not a bipartisan bill. And when the gentleman from New York (Mr. RANGEL) and the gentleman from Michigan (Mr. LEVIN) wrote a Democratic substitute, Republican leaders refused to even let the House vote on it. Thus, Mr. Speaker, did Republican leaders drive a stake into any hope of bipartisanship on trade. Indeed, there should be no doubt about how we got to this point. Republican political gamesmanship has put Fast Track trade authority in jeopardy.

Mr. Speaker, the American people deserve better. Reject this rule and force Republican leaders to sit down and work with Democrats. That is the only way Fast Track will ever get the broad bipartisan support it needs, and it is the only way we will ever achieve fair and free trade that benefits American workers.

Mr. REYNOLDS. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. COX).

Mr. COX. Mr. Speaker, I thank the gentleman from New York for yielding me time.

Mr. Speaker, I rise in support of this rule, because I support lower taxes on working Americans. Tariffs are essentially taxes that foreign countries impose on our products. You pay them whenever you pay taxes to support unemployment benefits for American workers, because foreign taxes that discriminate against the United States' goods put American workers out of work.

Millions more Americans could go to work in manufacturing and in services if tariffs and trade barriers imposed by foreign countries were reduced or eliminated. Of course, America's tariffs on foreign goods and our trade barriers on goods and services are essentially zero on most of what we consume in this country, so trade negotiations aimed at reducing tariffs and trade barriers work strongly in our favor. They mean big gains for American consumers and American workers.

There are many colleagues who have concerns about how future trade agreements will address issues such as sovereignty, environmental and labor protections, dumping and other unfair trade practices. But under this legislation, Congress will get to vote on any final trade agreement before it would become binding on the United States.

This legislation simply authorizes President Bush to negotiate in America's behalf, an authority that Congress has granted to every President from Nixon to Clinton.

Please vote ''aye'' on this rule to bring Trade Promotion Authority to the floor, so that we can give President Bush and America a chance to cut foreign taxes and help American workers and consumers.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 1 minute to my very good friend, the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, Fast Track trade authority is an extraordinary concession of congressional authority in four critical areas to regulate and oversee the

terms of trade. One vote, 62 pages, no amendments, 2 hours of debate.

Now, if the United States had a successful trade policy giving this President, or any President, a blank check to perpetuate and expand NAFTA into the FTAA and enhance the powers of WTO, well, that might make some sense. But the current system is failing miserably. We are not talking about that here on the floor today, are we?

Last year a record $435 billion trade deficit, 4.5 percent of our GDP. Many economists say that is unsustainable. 1994 to 2000, accelerated job loss due to trade. The current system discriminates against American labor, reduces living wages, safe working conditions, eviscerates environmental protections and consumer protections. But the gentleman from New York would somehow say it is necessary to compete in the world economy.

President Clinton negotiated 300 separate trade agreements: two under Fast Track trade authority, 298 without it. And, unlike my colleague from the other side who preceded me and said he opposed this under the last President but will vote for it now, I am going to vote on policy and principle, not politics and personalities. It was a bad idea for President Clinton; it is a bad idea for George Bush.

Mr. REYNOLDS. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. KIRK).

(Mr. KIRK asked and was given permission to revise and extend his remarks.)

Mr. KIRK. Mr. Speaker, I rise in strong support of the rule and Trade Promotion Authority. I wish that opponents of free trade had as much faith in our workers as our military. As our forces fight and win in Afghanistan, opponents of free trade say Americans cannot win in business. Americans are not losers. We are winners, and we need only a chance to compete to win.

TPA will also lower international import taxes on Americans. As we start holiday shopping, we pay import taxes on backpacks, shoes and other clothes for the kids. TPA lowers these taxes, and, in sum, will put $1,300 in the pockets of American families.

If you like paying import taxes to other countries, vote against free trade. If you think Americans can compete and win, support Trade Promotion Authority for our President.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 1 minute to my very good friend, the gentleman from Ohio (Mr. BROWN), the former Secretary of State of the State of Ohio.

Mr. BROWN of Ohio. Mr. Speaker, I thank my friend from Florida for yielding me time.

Mr. Speaker, 2 months ago Republican leadership and the gentleman from California (Mr. THOMAS) promised us if we voted for money for New York City, then they would help unemployed workers. They never did.

Then Republican leadership and the gentleman from California (Mr. THOMAS) promised us if we bailed out the airlines, then they would help unemployed workers. But they never did.

Then Republican leadership and the gentleman from California (Mr. THOMAS) promised if we passed the stimulus package and gave huge tax cuts to the biggest corporations in America, then they would help unemployed workers. But they never did.

Now the gentleman from California (Mr. THOMAS) and Republican leadership are promising us if we vote for Trade Promotion Authority, then they will help unemployed workers.

Mr. Speaker, when will we ever learn?

Mr. REYNOLDS. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. CHAMBLISS).

Mr. CHAMBLISS. Mr. Speaker, I rise in strong support of this rule and in support of the underlying bill, but I do so only after a couple of concerns that I have had with respect to our trade policy in this country have been addressed. Those two concerns are trade issues dealing with agriculture and trade issues dealing with the textile industry.

American agriculture and the American textile industry have been the whipping boys of previous trade agreements. We have been in difficult times in agriculture all across this country, but I am very satisfied with the language that has been put into this bill with respect to American agriculture and how our farmers are going to be treated. That language says that the House Committee on Agriculture and the Senate Committee on Agriculture are going to be direct participants in the discussions about issues relating to agriculture with respect to future trade agreements under this Trade Promotion Authority. That is the first step in the right direction that we have seen for American agriculture when it comes to trade in decades.

With respect to the textile industry, again, we have seen jobs moved to the south, jobs that cannot be replaced in the American workplace. We have never had the issue of textiles addressed in our trade agreements in a positive manner, but yesterday at a meeting at the White House, the President made a personal commitment that he is going to be sure that the textile industry does get fair treatment in any negotiated agreements from a trade perspective under this authority that he is asking for.

That is all we can ask. If we do not have that, if we do not have that, where is the American textile industry going today? It is going to continue to go south, and we do not need that to happen.

We have had thousands of jobs in my great State lost, particularly in my district, that have been lost over the last 7 to 10 years in the textile industry. We cannot afford any more of that. The way we ensure that does not continue to happen is that we have positive trade agreements and provisions in those trade agreements that are positive with respect to textiles and agriculture.

Mr. Speaker, I urge strong support of the rule and I urge support of the underlying bill.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 1 minute to the very thoughtful new Member of Congress, the gentlewoman from Minnesota (Ms. MCCOLLUM).

Ms. MCCOLLUM. Mr. Speaker, I rise today in opposition to the rule. Fast Track trade authority affects every single American, and they probably do not even know it. We import millions of tons of food into this country. That is a lot of food. In 1993, 8 percent of imported fruits and vegetables were inspected.

□ 1300

Since NAFTA, the number is now .7 percent. That is a 91 percent decrease in the inspections of fruits and vegetables that our children consume every day.

Minnesota families believe that meats, fruits and vegetables that they buy comply with our food standards. In these trade agreements there are no food standards; there are none. We buy strawberries and grapes tainted with pesticides that are illegal to use in this country. Congress passes food safety standards and the President's negotiators trade those standards away because, in their eyes, food safety is a barrier to free trade.

Mr. Speaker, this rule makes in order an up or down vote on Fast Track legislation that would forfeit all of the authority of Congress to directly participate in international trade agreements. Congress needs careful, deliberate negotiations on future agreements, not a fast track.

Mr. REYNOLDS. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

(Mr. FRELINGHUYSEN asked and was given permission to revise and extend his remarks.)

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today in support of the rule and of this bill.

Just to give my colleagues an idea of how driven and dependent our national economy is on international trade, one need not look any further than my home State of New Jersey. Last year, New Jersey posted the eighth largest export total of any State in the Nation with a total of $28.8 billion being sold in export merchandise. This is up more than 38 percent since 1997. Those exports are shipped globally to 204 countries around the world. Most importantly, out of New Jersey's 4.1 million member workforce, over 600,000 people statewide, from Main Street to Fortune 500 companies, are employed because of exports, imports, and because of foreign direct investment.

Agilent Technologies, a company in my congressional district, recently wrote me in support of Trade Promotion Authority. They said, ''Multilateral trade initiatives important to

Agilent relating to tariff reductions, e-commerce, biotechnology and international standard-setting are now beginning.''

Mr. Speaker, we need to participate. We need to support the rule, and we need to support the bill.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 1½ minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise to oppose this rule and to oppose Fast Track. I come from Cleveland, a steel-producing community which is fighting valiantly to save 3,200 steelworkers' jobs and to protect the benefits of tens of thousands of retirees. But Fast Track is a barrier. Fast Track brought us NAFTA. It prohibits amending trade agreements. We could not amend NAFTA chapter 11, which grants corporate investors in all-NAFTA countries the right to challenge any local, State, or Federal regulations which those corporations say hurt their profits; and then they are able to get penalty money from the taxpayers of this country.

The sovereign authority of all governments is at stake. Taxpayer dollars are at stake, even when we stand up for our own rights.

A NAFTA case brought by a foreign-owned steel fabricator company is trying to overturn. Get this, they are trying to overturn ''Buy America'' laws that require using American steel in highway projects. NAFTA allows foreign-owned companies to challenge our Constitution, our Congress, our right to enact American laws. This would have a catastrophic impact on steel workers, causing loss of U.S. jobs. American taxpayers are financing the fight for democracy all over the world, while our trade laws undermine our democracy here at home.

Vote against this rule and vote against Fast Track. Protect democracy. Protect American jobs.

Mr. REYNOLDS. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. KOLBE).

(Mr. KOLBE asked and was given permission to revise and extend his remarks.)

Mr. KOLBE. Mr. Speaker, I rise in strong support of this rule for Fast Track consideration of Trade Promotion Authority. Mr. Speaker, this is not about citrus, it is not about steel, it is not about food inspection or any other product or any other service. It is about whether or not we believe we should have enough confidence in the President of the United States to go on the world stage with other negotiators to implement the trade agenda that was launched at Doha.

Now, in Doha where they set the agenda for the next round of talks, we got a set of negotiating issues that was extraordinarily favorable for the United States. It is everything that we could hope for in terms of what we want to accomplish in the next round of talks. Now we have to move to the next step. We cannot complete that unless the President has trade negotiating authority. We can never complete the talks, and yet, we are on a fast track with this round of talks. No organization, no country is going to put their best deals on the line if they think they are going to be changed by the United States Congress. Management and labor do not go into negotiations and then go back to their board of directors and their membership to amend the agreement; they submit it to them for a vote.

That is what we are talking about doing here with Fast Track. It is not about whether or not we like the agreement, because we do not have an agreement. The opportunity to consider that will come later.

One prominent Democrat from the Clinton administration, who would be known to every Member of this body, just 2 nights ago at a dinner told me that the framework legislation that is proposed here today goes much further than President Clinton or President Gore would ever have been able to offer. It goes a long way. It makes the environment and it makes labor rights principal negotiating objectives to support those. We need to have the confidence in our President to get this job done, and we do not compromise our ability to say yes or to say no to any agreement that is negotiated.

With the crisis that we face in the world, this is not the time to say that our President should not be able to move forward to protect American interests abroad, American economic interests. Agree to this. Say yes to Trade Promotion Authority.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. WATERS), my very good friend.

Ms. WATERS. Mr. Speaker, I thank the gentleman from Florida for yielding me this time.

I rise to oppose this rule and this bill. H.R. 3005 supports the expansion of trade rules that allow pharmaceutical companies to challenge countries that distribute essential medicines to people who desperately need them. This bill would make it more difficult for developing countries to make HIV–AIDS medicines available to people with AIDS. Twenty-five million people are living with AIDS in Africa. Our trade policy should not cost them their lives.

This bill would also make it more difficult for the United States to respond to bioterrorist attacks. When the United States needed to acquire a large supply of the antibiotic Cipro to respond to the recent anthrax attacks, we knew that the health of the American people was more important than the profits of pharmaceutical companies. We had to get tough. The WTO could have ruled against us. Our trade policies should preserve our ability to respond to bioterrorist attacks in the future.

I offered an amendment to restore the rights of all countries to protect public health and ensure access to essential medicines, but my amendment was not made in order.

I urge my colleagues to vote ''no'' on the rule and ''no'' on the bill.

Mr. REYNOLDS. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 1½ minutes to the gentleman from New York (Mr. RANGEL), the distinguished ranking member of the Committee on Ways and Means.

Mr. RANGEL. Mr. Speaker, I say to my colleagues that we still have an opportunity to do what the President would have us to do. Sure, he wants Trade Promotion Authority, but he also wants bipartisanship. I think it is good for the Congress. I think it is good for the country. All of my colleagues know that we have not enjoyed this within the Committee on Ways and Means. That is what the Committee on Rules is all about.

The Committee on Rules is the legislative traffic cops. They can set us straight. They can shatter the wounds of partisanship that have been built up.

Since the attack on the United States of America, we have worked together, not as Democrats and Republicans, but as a united Congress. They can reject this rule and send us back to the table. They can tell the Committee on Ways and Means to have open negotiations. They can say that the Democratic ideas are just as patriotic, just as sincere, and that we support the war against terrorism the same as Republicans. If they do not do that, if they do not give us an opportunity to be heard. What they are saying is, it is our way or it is the highway.

I do not think it is fair. We have a stimulation package that we are working on, and we are trying to give the President what he wants in order to spur the economy. We are not supposed to do it as Republicans and Democrats; we are supposed to come together as responsible Members of Congress.

So I ask my colleagues to vote against this rule. It is not well thought out. It should not be just one-sided. Give us an opportunity to work together and to bring a product to our colleagues; and if we cannot do it, then at the very least, let there be an alternative for Members to vote for.

Mr. REYNOLDS. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. LINDER), a member of the Committee on Rules.

(Mr. LINDER asked and was given permission to revise and extend his remarks.)

Mr. LINDER. Mr. Speaker, I have a whole raft of information from my staff talking about the benefits of trade and the economy, on jobs; and I will submit that for the RECORD. But let me just raise a confusing question. Why in the world does this House want to take itself out of the picture?

Absent TPA, we have no voice. The President negotiates with any nation

in the world a trade agreement and brings it to the Senate as a treaty for their approval or disapproval, amendment or no amendment. If it is amended, it goes back to the other nation, and they have to negotiate a second time. I would not blame any executive of another nation to not want to deal with us, to have to go through two negotiations.

This House claims to be concerned about such things as labor and environment and human rights. Failing to pass TPA takes us out of the picture. We are silent. We have no voice.

Under TPA, the President can go to any nation, negotiate any agreement, and bring it back to the House and the Senate for an up or down vote. If we do not like the agreement, we can vote it down. If we do not like the lack of consultation, defeat it. But at least keep us in the game. Absent TPA, this House is silent.

Mr. Speaker, I do not understand how we are going to shape any future agreement, have any consultative effect, if the President just chooses to go to treaties and deals with the Senate. We need to get in the ballgame. We have the lowest tariffs in the world. Reaching trade agreements with other nations simply serves to lower their tariffs and open markets for our companies to sell into the global economy. We need to be in the global economy, where 95 percent of the citizens of the world live, not here. I cannot understand why some would want to take us out of the picture.

Mr. Speaker, the only voice the House has on any trade agreement is if we pass authority for the President to reach agreements and bring them back to us for up or down votes. I cannot imagine why anyone would oppose this.

Mr. Speaker, I rise in support of the rule. Today we have a tremendous opportunity to stimulate the economy, secure jobs, uplift the poor, improve wages, and prove our global competitiveness. With a single vote, we can change the course of millions of lives.

America produces many of the highest quality services, the most bountiful crops, and the most advanced technologies in the world. Today, we have the opportunity to ensure that all of these are shared with foreign nations.

Trade is also vital to our own national well-being and our economic recovery. Nationwide, one in ten American jobs depends on exports. These jobs are in a range of industries and service fields, and yet the one consistency among them is that they pay more than jobs in non-trading industries. According to the Department of Commerce, trade-oriented industries pay one-third more—approximately $15,000 more per employee—than non-trading industries.

Recent studies have further shown that if global trade barriers were cut by one-third, the world economy would increase by more than $600 billion a year. Eliminating trade barriers altogether would increase the global economy by nearly $2 trillion. The infusion of this much capital into the world market would serve as an engine of economic growth and improve the standard of living for all Americans.

Given the significance of trade to our economic future, it is imperative that Congress pass trade promotion authority. TPA requires a collaborative partnership between Congress and the President, and both must actively participate in order to properly frame treaty negotiations. In fact, TPA statutorily requires that the President engage in frequent and substantive consultations with Congress before, during, and throughout negotiations on a free trade agreement. These consultations allow Congress to make clear its priorities and concerns, and the President then incorporates such mandates into negotiations. In return, Congress commits to an up or down vote on the treaty without amendments. While some members will argue that our opportunity for debate is stifled because of our inability to offer amendment, it is worth noting that without TPA members of the House of Representatives could neither vote on nor offer amendments to the treaty at all.

Clearly, TPA is justified, it is responsible, and it is needed—and the time for TPA is now. Tariffs in the United States are among the lowest in the world. However, we face severe restrictions when we ship our goods overseas. In fact, while the average U.S. tariff is 4.8 percent, American goods are subject to tariffs of 11 percent in Chile, 13.5 percent in Argentina, 14.6 percent in Brazil, and a staggering 45.6 percent in Thailand.

To give you one example of the anti-competitiveness of foreign tariffs, we can look at a Caterpillar tractor. If that tractor is made in the U.S. and it shipped to Chile, it faces nearly $15,000 in tariffs and duties. If that tractor is made in Canada and is then shipped to Chile, the tariff and duties are zero. Clearly, reducing foreign tariffs is critical to ensuring that companies continue to build their factories in the U.S. And TPA is the greatest tool at our disposal for leveling the playing field to provide U.S. businesses access to the world's populations.

I urge my colleagues to join me in voting for the rule and H.R. 3005. This bill will help American regain its competitiveness, enabling the rebirth of prosperity and economic security.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 1 minute to the gentleman from Houston, Texas (Mr. GREEN), my very good friend.

Mr. GREEN of Texas. Mr. Speaker, I rise in opposition to both the rule and H.R. 3005, the legislation granting the President Fast Track Authority.

This is not the time to allow more countries greater access to our domestic markets. We need much tighter controls at our borders, and we need to let the global economy recover before we even begin considering opening our doors to even further trade expansion.

Foreign countries experiencing an economic slowdown always view the United States as a place to dump their excess goods. Japan, Russia, and South American countries have devastated our domestic steel industry through dumping. This illegal trade practice eliminates the thousands of high-paying American jobs tied directly to the steel industry and the thousands who support it.

In addition, the House of Representatives has done nothing to help the thousands of displaced travel, tourism, and hospitality workers who lost their jobs as a result of September 11. Increased foreign trade automatically means a loss in good blue collar jobs which means our constituents' jobs will be on the line today.

The House of Representatives has a spotty record in protecting displaced workers, especially from the textile, agriculture, and auto industries as a result of NAFTA; and that is why I oppose both the rule and the bill.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself the remaining time.

Mr. Speaker, I keep hearing my colleagues talk about, come back and have an up or down vote. What part of procedural versus substantive consultation do they not understand? As a matter of fact, what part of ''deficit'' do they not understand as it pertains to our trade policy? We have not had time, because they did not give us time; and last night I asked for an additional 2 hours and was denied that time. We have not had time to talk about the fact that antitrust laws are going to change without any consultation and without any input from Members of this body.

□ 1315

We have not had time to talk about the sovereignty issues, and I hope the gentleman from New York (Mr. RANGEL) and his committee can get to that issue because it is critical.

It is clear from this bill, the underlying bill, that foreign investors have an advantage over domestic persons in the United States, and the tribunals are held in secret. As a former judge, I cannot abide that. I must have my colleagues understand that it would be inappropriate to take American property in a secret forum, and that is what this measure permits. It does not permit that the United States Trade Representative come before us.

I ask my colleagues, please, vote against this rule and vote against the underlying bill.

Mr. REYNOLDS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I have heard today we should continue debating the bill, stall, or put it off; what is fair, unfair; water it down, pick it apart, and confuse the facts.

Mr. Speaker, the world is not waiting while the United States putters along. Trade Promotion Authority offers the best chance for the United States to reclaim its leadership in opening foreign markets, expanding global economic opportunities for American producers and workers, and developing the virtues of democracy around the world.

The prosperity and integrity of global democracies is at stake, and it is incumbent upon us to pull into the fast lane in order to reap the benefits of fair trade.

What we ask today is nothing new. Until its expiration in 1994, every President from Richard Nixon through Bill Clinton has enjoyed the right of Trade Promotion Authority. This President deserves that same right.

I strongly urge my colleagues to do the right thing for America: Support this rule and the underlying legislation.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Florida. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 224, nays 202, not voting 7, as follows:

[Roll No. 479]

YEAS—224

Aderholt	Flake	Linder
Akin	Fletcher	LoBiondo
Armey	Foley	Lucas (OK)
Bachus	Forbes	Manzullo
Baker	Fossella	McCrery
Ballenger	Frelinghuysen	McHugh
Barr	Gallegly	McInnis
Bartlett	Ganske	McKeon
Barton	Gekas	Mica
Bass	Gibbons	Miller, Dan
Bereuter	Gilchrest	Miller, Gary
Biggert	Gillmor	Miller, Jeff
Bilirakis	Gilman	Moran (KS)
Blunt	Goode	Morella
Boehlert	Goodlatte	Myrick
Boehner	Goss	Nethercutt
Bonilla	Graham	Ney
Bono	Granger	Northup
Boozman	Graves	Norwood
Brady (TX)	Green (WI)	Nussle
Brown (SC)	Greenwood	Ortiz
Bryant	Grucci	Osborne
Burr	Gutknecht	Ose
Burton	Hansen	Otter
Buyer	Hart	Oxley
Callahan	Hastings (WA)	Paul
Calvert	Hayes	Pence
Camp	Hayworth	Peterson (PA)
Cannon	Hefley	Petri
Cantor	Herger	Pickering
Capito	Hilleary	Pitts
Carson (OK)	Hobson	Platts
Castle	Hoekstra	Pombo
Chabot	Horn	Portman
Chambliss	Houghton	Pryce (OH)
Coble	Hulshof	Putnam
Collins	Hunter	Radanovich
Combest	Hyde	Ramstad
Cooksey	Isakson	Regula
Cox	Issa	Rehberg
Crane	Istook	Reynolds
Crenshaw	Jefferson	Riley
Cubin	Jenkins	Rogers (KY)
Culberson	Johnson (CT)	Rogers (MI)
Cunningham	Johnson (IL)	Rohrabacher
Davis, Jo Ann	Johnson, Sam	Ros-Lehtinen
Davis, Tom	Jones (NC)	Royce
Deal	Keller	Ryan (WI)
DeLay	Kelly	Ryun (KS)
DeMint	Kennedy (MN)	Saxton
Diaz-Balart	Kerns	Schaffer
Dicks	King (NY)	Schrock
Dooley	Kingston	Sensenbrenner
Doolittle	Kirk	Sessions
Dreier	Knollenberg	Shadegg
Duncan	Kolbe	Shaw
Dunn	LaHood	Shays
Ehlers	Largent	Sherwood
Ehrlich	Latham	Shimkus
Emerson	LaTourette	Shuster
English	Leach	Simmons
Everett	Lewis (CA)	Simpson
Ferguson	Lewis (KY)	Skeen
Smith (MI)	Terry	Wamp
Smith (NJ)	Thomas	Watkins (OK)
Smith (TX)	Thornberry	Watts (OK)
Souder	Thune	Weldon (FL)
Stearns	Tiahrt	Weldon (PA)
Stump	Tiberi	Weller
Sununu	Toomey	Whitfield
Sweeney	Traficant	Wicker
Tancredo	Upton	Wilson
Tanner	Vitter	Wolf
Tauzin	Walden	Young (FL)
Taylor (NC)	Walsh	

NAYS—202

Abercrombie	Hall (TX)	Murtha
Ackerman	Harman	Nadler
Allen	Hastings (FL)	Napolitano
Baca	Hill	Neal
Baird	Hilliard	Oberstar
Baldacci	Hinchey	Obey
Baldwin	Hinojosa	Olver
Barcia	Hoeffel	Owens
Barrett	Holden	Pallone
Becerra	Holt	Pascrell
Bentsen	Honda	Pastor
Berkley	Hooley	Payne
Berman	Hoyer	Pelosi
Berry	Inslee	Peterson (MN)
Bishop	Israel	Phelps
Blagojevich	Jackson (IL)	Pomeroy
Blumenauer	Jackson-Lee (TX)	Price (NC)
Bonior	John	Rahall
Borski	Johnson, E. B.	Rangel
Boswell	Jones (OH)	Reyes
Boucher	Kanjorski	Rivers
Boyd	Kaptur	Rodriguez
Brady (PA)	Kennedy (RI)	Ross
Brown (FL)	Kildee	Rothman
Brown (OH)	Kilpatrick	Roybal-Allard
Capps	Kind (WI)	Rush
Capuano	Kleczka	Sabo
Cardin	Kucinich	Sanchez
Carson (IN)	LaFalce	Sanders
Clay	Lampson	Sandlin
Clayton	Langevin	Sawyer
Clement	Lantos	Schakowsky
Clyburn	Larsen (WA)	Schiff
Condit	Larson (CT)	Scott
Conyers	Lee	Serrano
Costello	Levin	Sherman
Coyne	Lewis (GA)	Shows
Cramer	Lipinski	Skelton
Crowley	Lofgren	Slaughter
Cummings	Lowey	Smith (WA)
Davis (CA)	Lucas (KY)	Snyder
Davis (FL)	Luther	Solis
Davis (IL)	Lynch	Spratt
DeFazio	Maloney (CT)	Stark
DeGette	Maloney (NY)	Stenholm
Delahunt	Markey	Strickland
DeLauro	Mascara	Stupak
Deutsch	Matheson	Tauscher
Dingell	Matsui	Taylor (MS)
Doggett	McCarthy (MO)	Thompson (CA)
Doyle	McCarthy (NY)	Thompson (MS)
Edwards	McCollum	Thurman
Engel	McDermott	Tierney
Eshoo	McGovern	Towns
Etheridge	McIntyre	Turner
Evans	McKinney	Udall (CO)
Farr	McNulty	Udall (NM)
Fattah	Meehan	Velazquez
Filner	Meeks (NY)	Visclosky
Ford	Menendez	Waters
Frank	Millender-McDonald	Watson (CA)
Frost	Miller, George	Watt (NC)
Gephardt	Mink	Waxman
Gonzalez	Mollohan	Weiner
Gordon	Moore	Wexler
Green (TX)	Moran (VA)	Woolsey
Gutierrez	Murtha	Wu
Hall (OH)	Nadler	Wynn

NOT VOTING—7

Andrews	Quinn	Young (AK)
Hostettler	Roemer	
Meek (FL)	Roukema	

□ 1342

Messrs. LUCAS of Kentucky, GUTIERREZ and EVANS changed their vote from ''yea'' to ''nay.''

Mr. SMITH of New Jersey changed his vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. ROEMER. Mr. Speaker, on rollcall No. 479, the rule on Trade Promotion Authority, I was detained on the Senate side attending an education event. As a conferee on the elementary Secondary Education Act, I was participating in a public forum advocating full funding for children with disabilities. Had I been present, I would have voted ''nay.''

Mr. THOMAS. Mr. Speaker, pursuant to House Resolution 306, I call up the bill (H.R. 3005) to extend trade authorities procedures with respect to reciprocal trade agreements, and ask for its immediate consideration.

The Clerk read the title of the bill.

□ 1345

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolution 306, the bill is considered read for amendment.

The text of H.R. 3005 is as follows:

H.R. 3005

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the ''Bipartisan Trade Promotion Authority Act of 2001''.

(b) FINDINGS.—The Congress makes the following findings:

(1) The expansion of international trade is vital to the national security of the United States. Trade is critical to the economic growth and strength of the United States and to its leadership in the world. Stable trading relationships promote security and prosperity. Trade agreements today serve the same purposes that security pacts played during the Cold War, binding nations together through a series of mutual rights and obligations. Leadership by the United States in international trade fosters open markets, democracy, and peace throughout the world.

(2) The national security of the United States depends on its economic security, which in turn is founded upon a vibrant and growing industrial base. Trade expansion has been the engine of economic growth. Trade agreements maximize opportunities for the critical sectors and building blocks of the economy of the United States, such as information technology, telecommunications and other leading technologies, basic industries, capital equipment, medical equipment, services, agriculture, environmental technology, and intellectual property. Trade will create new opportunities for the United States and preserve the unparalleled strength of the United States in economic, political, and military affairs. The United States, secured by expanding trade and economic opportunities, will meet the challenges of the twenty-first century.

SEC. 2. TRADE NEGOTIATING OBJECTIVES.

(a) OVERALL TRADE NEGOTIATING OBJECTIVES.—The overall trade negotiating objectives of the United States for agreements subject to the provisions of section 3 are—

(1) to obtain more open, equitable, and reciprocal market access;

(2) to obtain the reduction or elimination of barriers and distortions that are directly related to trade and that decrease market opportunities for United States exports or otherwise distort United States trade;

(3) to further strengthen the system of international trading disciplines and procedures, including dispute settlement;

(4) to foster economic growth, raise living standards, and promote full employment in

the United States and to enhance the global economy;

(5) to ensure that trade and environmental policies are mutually supportive and to seek to protect and preserve the environment and enhance the international means of doing so, while optimizing the use of the world's resources; and

(6) to promote respect for worker rights and the rights of children consistent with core labor standards of the International Labor Organization (as defined in section 9(2)) and an understanding of the relationship between trade and worker rights.

(b) PRINCIPAL TRADE NEGOTIATING OBJECTIVES.—

(1) TRADE BARRIERS AND DISTORTIONS.—The principal negotiating objectives of the United States regarding trade barriers and other trade distortions are—

(A) to expand competitive market opportunities for United States exports and to obtain fairer and more open conditions of trade by reducing or eliminating tariff and nontariff barriers and policies and practices of foreign governments directly related to trade that decrease market opportunities for United States exports or otherwise distort United States trade; and

(B) to obtain reciprocal tariff and nontariff barrier elimination agreements, with particular attention to those tariff categories covered in section 111(b) of the Uruguay Round Agreements Act (19 U.S.C. 3521(b)).

(2) TRADE IN SERVICES.—The principal negotiating objective of the United States regarding trade in services is to reduce or eliminate barriers to international trade in services, including regulatory and other barriers that deny national treatment and market access or unreasonably restrict the establishment or operations of service suppliers.

(3) FOREIGN INVESTMENT.—The principal negotiating objective of the United States regarding foreign investment is to reduce or eliminate artificial or trade-distorting barriers to trade-related foreign investment by—

(A) reducing or eliminating exceptions to the principle of national treatment;

(B) freeing the transfer of funds relating to investments;

(C) reducing or eliminating performance requirements, forced technology transfers, and other unreasonable barriers to the establishment and operation of investments;

(D) seeking to establish standards for expropriation and compensation for expropriation, consistent with United States legal principles and practice;

(E) providing meaningful procedures for resolving investment disputes; and

(F) seeking to improve mechanisms used to resolve disputes between an investor and a government through—

(i) mechanisms to eliminate frivolous claims;

(ii) procedures to ensure the efficient selection of arbitrators and the expeditious disposition of claims; and

(iii) procedures to increase transparency in investment disputes.

(4) INTELLECTUAL PROPERTY.—The principal negotiating objectives of the United States regarding trade-related intellectual property are—

(A) to further promote adequate and effective protection of intellectual property rights, including through—

(i)(I) ensuring accelerated and full implementation of the Agreement on Trade-Related Aspects of Intellectual Property Rights referred to in section 101(d)(15) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(15)), particularly with respect to meeting enforcement obligations under that agreement; and

(II) ensuring that the provisions of any multilateral or bilateral trade agreement governing intellectual property rights that is entered into by the United States reflect a standard of protection similar to that found in United States law;

(ii) providing strong protection for new and emerging technologies and new methods of transmitting and distributing products embodying intellectual property;

(iii) preventing or eliminating discrimination with respect to matters affecting the availability, acquisition, scope, maintenance, use, and enforcement of intellectual property rights;

(iv) ensuring that standards of protection and enforcement keep pace with technological developments, and in particular ensuring that rightholders have the legal and technological means to control the use of their works through the Internet and other global communication media, and to prevent the unauthorized use of their works; and

(v) providing strong enforcement of intellectual property rights, including through accessible, expeditious, and effective civil, administrative, and criminal enforcement mechanisms; and

(B) to secure fair, equitable, and nondiscriminatory market access opportunities for United States persons that rely upon intellectual property protection.

(5) TRANSPARENCY.—The principal negotiating objective of the United States with respect to transparency is to obtain wider and broader application of the principle of transparency through—

(A) increased and more timely public access to information regarding trade issues and the activities of international trade institutions;

(B) increased openness at the WTO and other international trade fora by increasing public access to appropriate meetings, proceedings, and submissions, including with regard to dispute settlement and investment; and

(C) increased and more timely public access to all notifications and supporting documentation submitted by parties to the WTO.

(6) IMPROVEMENT OF THE WTO AND MULTILATERAL TRADE AGREEMENTS.—The principal negotiating objectives of the United States regarding the improvement of the World Trade Organization, the Uruguay Round Agreements, and other multilateral and bilateral trade agreements are—

(A) to achieve full implementation and extend the coverage of the World Trade Organization and such agreements to products, sectors, and conditions of trade not adequately covered; and

(B) to expand country participation in and enhancement of the Information Technology Agreement and other trade agreements.

(7) REGULATORY PRACTICES.—The principal negotiating objectives of the United States regarding the use of government regulation or other practices by foreign governments to provide a competitive advantage to their domestic producers, service providers, or investors and thereby reduce market access for United States goods, services, and investments are—

(A) to achieve increased transparency and opportunity for the participation of affected parties in the development of regulations;

(B) to require that proposed regulations be based on sound science, cost-benefit analysis, risk assessment, or other objective evidence;

(C) to establish consultative mechanisms among parties to trade agreements to promote increased transparency in developing guidelines, rules, regulations, and laws for government procurement and other regulatory regimes; and

(D) to achieve the elimination of government measures such as price controls and reference pricing which deny full market access for United States products.

(8) ELECTRONIC COMMERCE.—The principal negotiating objectives of the United States with respect to electronic commerce are—

(A) to ensure that current obligations, rules, disciplines, and commitments under the World Trade Organization apply to electronic commerce;

(B) to ensure that—

(i) electronically delivered goods and services receive no less favorable treatment under trade rules and commitments than like products delivered in physical form; and

(ii) the classification of such goods and services ensures the most liberal trade treatment possible;

(C) to ensure that governments refrain from implementing trade-related measures that impede electronic commerce;

(D) where legitimate policy objectives require domestic regulations that affect electronic commerce, to obtain commitments that any such regulations are the least restrictive on trade, nondiscriminatory, and transparent, and promote an open market environment; and

(E) to extend the moratorium of the World Trade Organization on duties on electronic transmissions.

(9) RECIPROCAL TRADE IN AGRICULTURE.—(A) The principal negotiating objective of the United States with respect to agriculture is to obtain competitive opportunities for United States exports of agricultural commodities in foreign markets substantially equivalent to the competitive opportunities afforded foreign exports in United States markets and to achieve fairer and more open conditions of trade in bulk, specialty crop, and value-added commodities by—

(i) reducing or eliminating, by a date certain, tariffs or other charges that decrease market opportunities for United States exports—

(I) giving priority to those products that are subject to significantly higher tariffs or subsidy regimes of major producing countries; and

(II) providing reasonable adjustment periods for United States import-sensitive products, in close consultation with the Congress on such products before initiating tariff reduction negotiations;

(ii) reducing tariffs to levels that are the same as or lower than those in the United States;

(iii) reducing or eliminating subsidies that decrease market opportunities for United States exports or unfairly distort agriculture markets to the detriment of the United States;

(iv) allowing the preservation of programs that support family farms and rural communities but do not distort trade;

(v) developing disciplines for domestic support programs, so that production that is in excess of domestic food security needs is sold at world prices;

(vi) eliminating Government policies that create price-depressing surpluses;

(vii) eliminating state trading enterprises whenever possible;

(viii) developing, strengthening, and clarifying rules and effective dispute settlement mechanisms to eliminate practices that unfairly decrease United States market access opportunities or distort agricultural markets to the detriment of the United States, particularly with respect to import-sensitive products, including—

(I) unfair or trade-distorting activities of state trading enterprises and other administrative mechanisms, with emphasis on requiring price transparency in the operation of state trading enterprises and such other

mechanisms in order to end cross subsidization, price discrimination, and price undercutting;

(II) unjustified trade restrictions or commercial requirements, such as labeling, that affect new technologies, including biotechnology;

(III) unjustified sanitary or phytosanitary restrictions, including those not based on scientific principles in contravention of the Uruguay Round Agreements;

(IV) other unjustified technical barriers to trade; and

(V) restrictive rules in the administration of tariff rate quotas;

(ix) eliminating practices that adversely affect trade in perishable or cyclical products, while improving import relief mechanisms to recognize the unique characteristics of perishable and cyclical agriculture;

(x) ensuring that the use of import relief mechanisms for perishable and cyclical agriculture are as accessible and timely to growers in the United States as those mechanisms that are used by other countries;

(xi) taking into account whether a party to the negotiations has failed to adhere to the provisions of already existing trade agreements with the United States or has circumvented obligations under those agreements;

(xii) taking into account whether a product is subject to market distortions by reason of a failure of a major producing country to adhere to the provisions of already existing trade agreements with the United States or by the circumvention by that country of its obligations under those agreements;

(xiii) otherwise ensuring that countries that accede to the World Trade Organization have made meaningful market liberalization commitments in agriculture;

(xiv) taking into account the impact that agreements covering agriculture to which the United States is a party, including the North American Free Trade Agreement, have on the United States agricultural industry; and

(xv) maintaining bona fide food assistance programs and preserving United States market development and export credit programs.

(B)(i) Before commencing negotiations with respect to agriculture, the United States Trade Representative, in consultation with the Congress, shall seek to develop a position on the treatment of seasonal and perishable agricultural products to be employed in the negotiations in order to develop an international consensus on the treatment of seasonal or perishable agricultural products in investigations relating to dumping and safeguards and in any other relevant area.

(ii) During any negotiations on agricultural subsidies, the United States Trade Representative shall seek to establish the common base year for calculating the Aggregated Measurement of Support (as defined in the Agreement on Agriculture) as the end of each country's Uruguay Round implementation period, as reported in each country's Uruguay Round market access schedule.

(iii) The negotiating objective provided in subparagraph (A) applies with respect to agricultural matters to be addressed in any trade agreement entered into under section 3(a) or (b), including any trade agreement entered into under section 3(a) or (b) that provides for accession to a trade agreement to which the United States is already a party, such as the North American Free Trade Agreement and the United States-Canada Free Trade Agreement.

(10) LABOR AND THE ENVIRONMENT.—The principal negotiating objectives of the United States with respect to labor and the environment are—

(A) to ensure that a party to a trade agreement with the United States does not fail to effectively enforce its environmental or labor laws, through a sustained or recurring course of action or inaction, in a manner affecting trade between the United States and that party after entry into force of a trade agreement between those countries;

(B) to recognize that parties to a trade agreement retain the right to exercise discretion with respect to investigatory, prosecutorial, regulatory, and compliance matters and to make decisions regarding the allocation of resources to enforcement with respect to other labor or environmental matters determined to have higher priorities, and to recognize that a country is effectively enforcing its laws if a course of action or inaction reflects a reasonable exercise of such discretion, or results from a bona fide decision regarding the allocation of resources;

(C) to strengthen the capacity of United States trading partners to promote respect for core labor standards (as defined in section 9(2));

(D) to strengthen the capacity of United States trading partners to protect the environment through the promotion of sustainable development;

(E) to reduce or eliminate government practices or policies that unduly threaten sustainable development;

(F) to seek market access, through the elimination of tariffs and nontariff barriers, for United States environmental technologies, goods, and services; and

(G) to ensure that labor, environmental, health, or safety policies and practices of the parties to trade agreements with the United States do not arbitrarily or unjustifiably discriminate against United States exports or serve as disguised barriers to trade.

(11) DISPUTE SETTLEMENT AND ENFORCEMENT.—The principal negotiating objectives of the United States with respect to dispute settlement and enforcement of trade agreements are—

(A) to seek provisions in trade agreements providing for resolution of disputes between governments under those trade agreements in an effective, timely, transparent, equitable, and reasoned manner, requiring determinations based on facts and the principles of the agreements, with the goal of increasing compliance with the agreements;

(B) to seek to strengthen the capacity of the Trade Policy Review Mechanism of the World Trade Organization to review compliance with commitments;

(C) to seek provisions encouraging the early identification and settlement of disputes through consultation;

(D) to seek provisions to encourage the provision of trade-expanding compensation if a party to a dispute under the agreement does not come into compliance with its obligations under the agreement;

(E) to seek provisions to impose a penalty upon a party to a dispute under the agreement that—

(i) encourages compliance with the obligations of the agreement;

(ii) is appropriate to the parties, nature, subject matter, and scope of the violation; and

(iii) has the aim of not adversely affecting parties or interests not party to the dispute while maintaining the effectiveness of the enforcement mechanism; and

(F) to seek provisions that treat United States principal negotiating objectives equally with respect to—

(i) the ability to resort to dispute settlement under the applicable agreement;

(ii) the availability of equivalent dispute settlement procedures; and

(iii) the availability of equivalent remedies.

(12) WTO EXTENDED NEGOTIATIONS.—The principal negotiating objectives of the United States regarding trade in civil aircraft are those set forth in section 135(c) of the Uruguay Round Agreements Act (19 U.S.C. 3355(c)) and regarding rules of origin are the conclusion of an agreement described in section 132 of that Act (19 U.S.C. 3552).

(c) PROMOTION OF CERTAIN PRIORITIES.—In order to address and maintain United States competitiveness in the global economy, the President shall—

(1) seek greater cooperation between the WTO and the ILO;

(2) seek to establish consultative mechanisms among parties to trade agreements to strengthen the capacity of United States trading partners to promote respect for core labor standards (as defined in section 9(2)), and report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on the content and operation of such mechanisms;

(3) seek to establish consultative mechanisms among parties to trade agreements to strengthen the capacity of United States trading partners to develop and implement standards for the protection of the environment and human health based on sound science, and report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on the content and operation of such mechanisms;

(4) conduct environmental reviews of future trade and investment agreements, consistent with Executive Order 13141 of November 16, 1999 and its relevant guidelines, and report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on such reviews;

(5) review the impact of future trade agreements on United States employment, modeled after Executive Order 13141, and report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on such review;

(6) take into account other legitimate United States domestic objectives including, but not limited to, the protection of legitimate health or safety, essential security, and consumer interests and the law and regulations related thereto;

(7) have the Secretary of Labor consult with any country seeking a trade agreement with the United States concerning that country's labor laws and provide technical assistance to that country if needed;

(8) with respect to any trade agreement which the President seeks to implement under trade authorities procedures, submit to the Congress a report describing the extent to which the country or countries that are parties to the agreement have in effect laws governing exploitative child labor;

(9) preserve the ability of the United States to enforce rigorously its trade laws, including the antidumping and countervailing duty laws, and avoid agreements which lessen the effectiveness of domestic and international disciplines on unfair trade, especially dumping and subsidies, in order to ensure that United States workers, agricultural producers, and firms can compete fully on fair terms and enjoy the benefits of reciprocal trade concessions;

(10) continue to promote consideration of multilateral environmental agreements and consult with parties to such agreements regarding the consistency of any such agreement that includes trade measures with existing environmental exceptions under Article XX of the GATT 1994; and

(11) report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, not

later than 12 months after the imposition of a penalty or remedy by the United States permitted by a trade agreement to which this Act applies, on the effectiveness of the penalty or remedy applied under United States law in enforcing United States rights under the trade agreement.

The report under paragraph (11) shall address whether the penalty or remedy was effective in changing the behavior of the targeted party and whether the penalty or remedy had any adverse impact on parties or interests not party to the dispute.

(d) CONSULTATIONS.—

(1) CONSULTATIONS WITH CONGRESSIONAL ADVISERS.—In the course of negotiations conducted under this Act, the United States Trade Representative shall consult closely and on a timely basis with, and keep fully apprised of the negotiations, the Congressional Oversight Group convened under section 7 and all committees of the House of Representatives and the Senate with jurisdiction over laws that would be affected by a trade agreement resulting from the negotiations.

(2) CONSULTATION BEFORE AGREEMENT INITIALED.—In the course of negotiations conducted under this Act, the United States Trade Representative shall—

(A) consult closely and on a timely basis (including immediately before initialing an agreement) with, and keep fully apprised of the negotiations, the congressional advisers for trade policy and negotiations appointed under section 161 of the Trade Act of 1974 (19 U.S.C. 2211), the Committee on Ways and Means of the House of Representatives, the Committee on Finance of the Senate, and the Congressional Oversight Group convened under section 7; and

(B) with regard to any negotiations and agreement relating to agricultural trade, also consult closely and on a timely basis (including immediately before initialing an agreement) with, and keep fully apprised of the negotiations, the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(e) ADHERENCE TO OBLIGATIONS UNDER URUGUAY ROUND AGREEMENTS.—In determining whether to enter into negotiations with a particular country, the President shall take into account the extent to which that country has implemented, or has accelerated the implementation of, its obligations under the Uruguay Round Agreements.

SEC. 3. TRADE AGREEMENTS AUTHORITY.

(a) AGREEMENTS REGARDING TARIFF BARRIERS.—

(1) IN GENERAL.—Whenever the President determines that one or more existing duties or other import restrictions of any foreign country or the United States are unduly burdening and restricting the foreign trade of the United States and that the purposes, policies, priorities, and objectives of this Act will be promoted thereby, the President—

(A) may enter into trade agreements with foreign countries before—

(i) June 1, 2005; or

(ii) June 1, 2007, if trade authorities procedures are extended under subsection (c); and

(B) may, subject to paragraphs (2) and (3), proclaim—

(i) such modification or continuance of any existing duty,

(ii) such continuance of existing duty-free or excise treatment, or

(iii) such additional duties,

as the President determines to be required or appropriate to carry out any such trade agreement.

The President shall notify the Congress of the President's intention to enter into an agreement under this subsection.

(2) LIMITATIONS.—No proclamation may be made under paragraph (1) that—

(A) reduces any rate of duty (other than a rate of duty that does not exceed 5 percent ad valorem on the date of the enactment of this Act) to a rate of duty which is less than 50 percent of the rate of such duty that applies on such date of enactment; or

(B) increases any rate of duty above the rate that applied on the date of the enactment of this Act.

(3) AGGREGATE REDUCTION; EXEMPTION FROM STAGING.—

(A) AGGREGATE REDUCTION.—Except as provided in subparagraph (B), the aggregate reduction in the rate of duty on any article which is in effect on any day pursuant to a trade agreement entered into under paragraph (1) shall not exceed the aggregate reduction which would have been in effect on such day if—

(i) a reduction of 3 percent ad valorem or a reduction of one-tenth of the total reduction, whichever is greater, had taken effect on the effective date of the first reduction proclaimed under paragraph (1) to carry out such agreement with respect to such article; and

(ii) a reduction equal to the amount applicable under clause (i) had taken effect at 1-year intervals after the effective date of such first reduction.

(B) EXEMPTION FROM STAGING.—No staging is required under subparagraph (A) with respect to a duty reduction that is proclaimed under paragraph (1) for an article of a kind that is not produced in the United States. The United States International Trade Commission shall advise the President of the identity of articles that may be exempted from staging under this subparagraph.

(4) ROUNDING.—If the President determines that such action will simplify the computation of reductions under paragraph (3), the President may round an annual reduction by an amount equal to the lesser of—

(A) the difference between the reduction without regard to this paragraph and the next lower whole number; or

(B) one-half of 1 percent ad valorem.

(5) OTHER LIMITATIONS.—A rate of duty reduction that may not be proclaimed by reason of paragraph (2) may take effect only if a provision authorizing such reduction is included within an implementing bill provided for under section 5 and that bill is enacted into law.

(6) OTHER TARIFF MODIFICATIONS.—Notwithstanding paragraphs (1)(B) and (2) through (5), and subject to the consultation and layover requirements of section 115 of the Uruguay Round Agreements Act, the President may proclaim the modification of any duty or staged rate reduction of any duty set forth in Schedule XX, as defined in section 2(5) of that Act, if the United States agrees to such modification or staged rate reduction in a negotiation for the reciprocal elimination or harmonization of duties under the auspices of the World Trade Organization.

(7) AUTHORITY UNDER URUGUAY ROUND AGREEMENTS ACT NOT AFFECTED.—Nothing in this subsection shall limit the authority provided to the President under section 111(b) of the Uruguay Round Agreements Act (19 U.S.C. 3521(b)).

(b) AGREEMENTS REGARDING TARIFF AND NONTARIFF BARRIERS.—

(1) IN GENERAL.—(A) Whenever the President determines that—

(i) one or more existing duties or any other import restriction of any foreign country or the United States or any other barrier to, or other distortion of, international trade unduly burdens or restricts the foreign trade of the United States or adversely affects the United States economy; or

(ii) the imposition of any such barrier or distortion is likely to result in such a burden, restriction, or effect;

and that the purposes, policies, priorities, and objectives of this Act will be promoted thereby, the President may enter into a trade agreement described in subparagraph (B) during the period described in subparagraph (C).

(B) The President may enter into a trade agreement under subparagraph (A) with foreign countries providing for—

(i) the reduction or elimination of a duty, restriction, barrier, or other distortion described in subparagraph (A), or

(ii) the prohibition of, or limitation on the imposition of, such barrier or other distortion.

(C) The President may enter into a trade agreement under this paragraph before—

(i) June 1, 2005; or

(ii) June 1, 2007, if trade authorities procedures are extended under subsection (c).

(2) CONDITIONS.—A trade agreement may be entered into under this subsection only if such agreement makes progress in meeting the applicable objectives described in section 2(a) and (b) and the President satisfies the conditions set forth in section 4.

(3) BILLS QUALIFYING FOR TRADE AUTHORITIES PROCEDURES.—(A) The provisions of section 151 of the Trade Act of 1974 (in this Act referred to as ''trade authorities procedures'') apply to a bill of either House of Congress which contains provisions described in subparagraph (B) to the same extent as such section 151 applies to implementing bills under that section. A bill to which this paragraph applies shall hereafter in this Act be referred to as an ''implementing bill''.

(B) The provisions referred to in subparagraph (A) are—

(i) a provision approving a trade agreement entered into under this subsection and approving the statement of administrative action, if any, proposed to implement such trade agreement; and

(ii) if changes in existing laws or new statutory authority are required to implement such trade agreement or agreements, provisions, necessary or appropriate to implement such trade agreement or agreements, either repealing or amending existing laws or providing new statutory authority.

(c) EXTENSION DISAPPROVAL PROCESS FOR CONGRESSIONAL TRADE AUTHORITIES PROCEDURES.—

(1) IN GENERAL.—Except as provided in section 5(b)—

(A) the trade authorities procedures apply to implementing bills submitted with respect to trade agreements entered into under subsection (b) before July 1, 2005; and

(B) the trade authorities procedures shall be extended to implementing bills submitted with respect to trade agreements entered into under subsection (b) after June 30, 2005, and before July 1, 2007, if (and only if)—

(i) the President requests such extension under paragraph (2); and

(ii) neither House of the Congress adopts an extension disapproval resolution under paragraph (5) before June 1, 2005.

(2) REPORT TO CONGRESS BY THE PRESIDENT.—If the President is of the opinion that the trade authorities procedures should be extended to implementing bills described in paragraph (1)(B), the President shall submit to the Congress, not later than March 1, 2005, a written report that contains a request for such extension, together with—

(A) a description of all trade agreements that have been negotiated under subsection (b) and the anticipated schedule for submitting such agreements to the Congress for approval;

(B) a description of the progress that has been made in negotiations to achieve the

purposes, policies, priorities, and objectives of this Act, and a statement that such progress justifies the continuation of negotiations; and

(C) a statement of the reasons why the extension is needed to complete the negotiations.

(3) REPORT TO CONGRESS BY THE ADVISORY COMMITTEE.—The President shall promptly inform the Advisory Committee for Trade Policy and Negotiations established under section 135 of the Trade Act of 1974 (19 U.S.C. 2155) of the President's decision to submit a report to the Congress under paragraph (2). The Advisory Committee shall submit to the Congress as soon as practicable, but not later than May 1, 2005, a written report that contains—

(A) its views regarding the progress that has been made in negotiations to achieve the purposes, policies, priorities, and objectives of this Act; and

(B) a statement of its views, and the reasons therefor, regarding whether the extension requested under paragraph (2) should be approved or disapproved.

(4) STATUS OF REPORTS.—The reports submitted to the Congress under paragraphs (2) and (3), or any portion of such reports, may be classified to the extent the President determines appropriate.

(5) EXTENSION DISAPPROVAL RESOLUTIONS.—(A) For purposes of paragraph (1), the term ''extension disapproval resolution'' means a resolution of either House of the Congress, the sole matter after the resolving clause of which is as follows: ''That the ____ disapproves the request of the President for the extension, under section 3(c)(1)(B)(i) of the Trade Promotion Authority Act of 2001, of the trade authorities procedures under that Act to any implementing bill submitted with respect to any trade agreement entered into under section 3(b) of that Act after June 30, 2005.'', with the blank space being filled with the name of the resolving House of the Congress.

(B) Extension disapproval resolutions—

(i) may be introduced in either House of the Congress by any member of such House; and

(ii) shall be referred, in the House of Representatives, to the Committee on Ways and Means and, in addition, to the Committee on Rules.

(C) The provisions of sections 152(d) and (e) of the Trade Act of 1974 (19 U.S.C. 2192(d) and (e)) (relating to the floor consideration of certain resolutions in the House and Senate) apply to extension disapproval resolutions.

(D) It is not in order for—

(i) the Senate to consider any extension disapproval resolution not reported by the Committee on Finance;

(ii) the House of Representatives to consider any extension disapproval resolution not reported by the Committee on Ways and Means and, in addition, by the Committee on Rules; or

(iii) either House of the Congress to consider an extension disapproval resolution after June 30, 2005.

(d) COMMENCEMENT OF NEGOTIATIONS.—In order to contribute to the continued economic expansion of the United States, the President shall commence negotiations covering tariff and nontariff barriers affecting any industry, product, or service sector, and expand existing sectoral agreements to countries that are not parties to those agreements, in cases where the President determines that such negotiations are feasible and timely and would benefit the United States. Such sectors include agriculture, commercial services, intellectual property rights, industrial and capital goods, government procurement, information technology products, environmental technology and services, medical equipment and services, civil aircraft, and infrastructure products. In so doing, the President shall take into account all of the principal negotiating objectives set forth in section 2(b).

SEC. 4. CONSULTATIONS AND ASSESSMENT.

(a) NOTICE AND CONSULTATION BEFORE NEGOTIATION.—The President, with respect to any agreement that is subject to the provisions of section 3(b), shall—

(1) provide, at least 90 calendar days before initiating negotiations, written notice to the Congress of the President's intention to enter into the negotiations and set forth therein the date the President intends to initiate such negotiations, the specific United States objectives for the negotiations, and whether the President intends to seek an agreement, or changes to an existing agreement; and

(2) before and after submission of the notice, consult regarding the negotiations with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives, such other committees of the House and Senate as the President deems appropriate, and the Congressional Oversight group convened under section 7.

(b) NEGOTIATIONS REGARDING AGRICULTURE.—Before initiating or continuing negotiations the subject matter of which is directly related to the subject matter under section 2(b)(9)(A)(i) with any country, the President shall assess whether United States tariffs on agricultural products that were bound under the Uruguay Round Agreements are lower than the tariffs bound by that country. In addition, the President shall consider whether the tariff levels bound and applied throughout the world with respect to imports from the United States are higher than United States tariffs and whether the negotiation provides an opportunity to address any such disparity. The President shall consult with the Committee on Ways and Means and the Committee on Agriculture of the House of Representatives and the Committee on Finance and the Committee on Agriculture, Nutrition, and Forestry of the Senate concerning the results of the assessment, whether it is appropriate for the United States to agree to further tariff reductions based on the conclusions reached in the assessment, and how all applicable negotiating objectives will be met.

(c) CONSULTATION WITH CONGRESS BEFORE AGREEMENTS ENTERED INTO.—

(1) CONSULTATION.—Before entering into any trade agreement under section 3(b), the President shall consult with—

(A) the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate;

(B) each other committee of the House and the Senate, and each joint committee of the Congress, which has jurisdiction over legislation involving subject matters which would be affected by the trade agreement; and

(C) the Congressional Oversight Group convened under section 7.

(2) SCOPE.—The consultation described in paragraph (1) shall include consultation with respect to—

(A) the nature of the agreement;

(B) how and to what extent the agreement will achieve the applicable purposes, policies, priorities, and objectives of this Act; and

(C) the implementation of the agreement under section 5, including the general effect of the agreement on existing laws.

(d) ADVISORY COMMITTEE REPORTS.—The report required under section 135(e)(1) of the Trade Act of 1974 regarding any trade agreement entered into under section 3(a) or (b) of this Act shall be provided to the President, the Congress, and the United States Trade Representative not later than 30 days after the date on which the President notifies the Congress under section 3(a)(1) or 5(a)(1)(A) of the President's intention to enter into the agreement.

(e) ITC ASSESSMENT.—

(1) IN GENERAL.—The President, at least 90 calendar days before the day on which the President enters into a trade agreement under section 3(b), shall provide the International Trade Commission (referred to in this subsection as ''the Commission'') with the details of the agreement as it exists at that time and request the Commission to prepare and submit an assessment of the agreement as described in paragraph (2). Between the time the President makes the request under this paragraph and the time the Commission submits the assessment, the President shall keep the Commission current with respect to the details of the agreement.

(2) ITC ASSESSMENT.—Not later than 90 calendar days after the President enters into the agreement, the Commission shall submit to the President and the Congress a report assessing the likely impact of the agreement on the United States economy as a whole and on specific industry sectors, including the impact the agreement will have on the gross domestic product, exports and imports, aggregate employment and employment opportunities, the production, employment, and competitive position of industries likely to be significantly affected by the agreement, and the interests of United States consumers.

(3) REVIEW OF EMPIRICAL LITERATURE.—In preparing the assessment, the Commission shall review available economic assessments regarding the agreement, including literature regarding any substantially equivalent proposed agreement, and shall provide in its assessment a description of the analyses used and conclusions drawn in such literature, and a discussion of areas of consensus and divergence between the various analyses and conclusions, including those of the Commission regarding the agreement.

SEC. 5. IMPLEMENTATION OF TRADE AGREEMENTS.

(a) IN GENERAL.—

(1) NOTIFICATION AND SUBMISSION.—Any agreement entered into under section 3(b) shall enter into force with respect to the United States if (and only if)—

(A) the President, at least 90 calendar days before the day on which the President enters into the trade agreement, notifies the House of Representatives and the Senate of the President's intention to enter into the agreement, and promptly thereafter publishes notice of such intention in the Federal Register;

(B) within 60 days after entering into the agreement, the President submits to the Congress a description of those changes to existing laws that the President considers would be required in order to bring the United States into compliance with the agreement;

(C) after entering into the agreement, the President submits to the Congress a copy of the final legal text of the agreement, together with—

(i) a draft of an implementing bill described in section 3(b)(3);

(ii) a statement of any administrative action proposed to implement the trade agreement; and

(iii) the supporting information described in paragraph (2); and

(D) the implementing bill is enacted into law.

(2) SUPPORTING INFORMATION.—The supporting information required under paragraph (1)(C)(iii) consists of—

(A) an explanation as to how the implementing bill and proposed administrative action will change or affect existing law; and

(B) a statement—

(i) asserting that the agreement makes progress in achieving the applicable purposes, policies, priorities, and objectives of this Act; and

(ii) setting forth the reasons of the President regarding—

(I) how and to what extent the agreement makes progress in achieving the applicable purposes, policies, and objectives referred to in clause (i);

(II) whether and how the agreement changes provisions of an agreement previously negotiated;

(III) how the agreement serves the interests of United States commerce;

(IV) how the implementing bill meets the standards set forth in section 3(b)(3); and

(V) how and to what extent the agreement makes progress in achieving the applicable purposes, policies, and objectives referred to in section 2(c) regarding the promotion of certain priorities.

(3) RECIPROCAL BENEFITS.—In order to ensure that a foreign country that is not a party to a trade agreement entered into under section 3(b) does not receive benefits under the agreement unless the country is also subject to the obligations under the agreement, the implementing bill submitted with respect to the agreement shall provide that the benefits and obligations under the agreement apply only to the parties to the agreement, if such application is consistent with the terms of the agreement. The implementing bill may also provide that the benefits and obligations under the agreement do not apply uniformly to all parties to the agreement, if such application is consistent with the terms of the agreement.

(b) LIMITATIONS ON TRADE AUTHORITIES PROCEDURES.—

(1) FOR LACK OF NOTICE OR CONSULTATIONS.—

(A) IN GENERAL.—The trade authorities procedures shall not apply to any implementing bill submitted with respect to a trade agreement entered into under section 3(b) if during the 60-day period beginning on the date that one House of Congress agrees to a procedural disapproval resolution for lack of notice or consultations with respect to that trade agreement, the other House separately agrees to a procedural disapproval resolution with respect to that agreement.

(B) PROCEDURAL DISAPPROVAL RESOLUTION.—For purposes of this paragraph, the term ''procedural disapproval resolution'' means a resolution of either House of Congress, the sole matter after the resolving clause of which is as follows: ''That the President has failed or refused to notify or consult (as the case may be) with Congress in accordance with section 4 or 5 of the Trade Promotion Authority Act of 2001 on negotiations with respect to _____ and, therefore, the trade authorities procedures under that Act shall not apply to any implementing bill submitted with respect to that trade agreement.'', with the blank space being filled with a description of the trade agreement with respect to which the President is considered to have failed or refused to notify or consult.

(2) PROCEDURES FOR CONSIDERING RESOLUTIONS.—(A) Procedural disapproval resolutions—

(i) in the House of Representatives—

(I) shall be introduced by the chairman or ranking minority member of the Committee on Ways and Means or the chairman or ranking minority member of the Committee on Rules;

(II) shall be referred to the Committee on Ways and Means and, in addition, to the Committee on Rules; and

(III) may not be amended by either Committee; and

(ii) in the Senate shall be original resolutions of the Committee on Finance.

(B) The provisions of section 152(d) and (e) of the Trade Act of 1974 (19 U.S.C. 2192(d) and (e)) (relating to the floor consideration of certain resolutions in the House and Senate) apply to procedural disapproval resolutions.

(C) It is not in order for the House of Representatives to consider any procedural disapproval resolution not reported by the Committee on Ways and Means and, in addition, by the Committee on Rules.

(c) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—Subsection (b) of this section and section 3(c) are enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such are deemed a part of the rules of each House, respectively, and such procedures supersede other rules only to the extent that they are inconsistent with such other rules; and

(2) with the full recognition of the constitutional right of either House to change the rules (so far as relating to the procedures of that House) at any time, in the same manner, and to the same extent as any other rule of that House.

SEC. 6. TREATMENT OF CERTAIN TRADE AGREEMENTS FOR WHICH NEGOTIATIONS HAVE ALREADY BEGUN.

(a) CERTAIN AGREEMENTS.—Notwithstanding section 3(b)(2), if an agreement to which section 3(b) applies—

(1) is entered into under the auspices of the World Trade Organization,

(2) is entered into with Chile,

(3) is entered into with Singapore, or

(4) establishes a Free Trade Area for the Americas,

and results from negotiations that were commenced before the date of the enactment of this Act, subsection (b) shall apply.

(b) TREATMENT OF AGREEMENTS.—In the case of any agreement to which subsection (a) applies—

(1) the applicability of the trade authorities procedures to implementing bills shall be determined without regard to the requirements of section 4(a) (relating only to 90 days notice prior to initiating negotiations), and any procedural disapproval resolution under section 5(b)(1)(B) shall not be in order on the basis of a failure or refusal to comply with the provisions of section 4(a); and

(2) the President shall, as soon as feasible after the enactment of this Act—

(A) notify the Congress of the negotiations described in subsection (a), the specific United States objectives in the negotiations, and whether the President is seeking a new agreement or changes to an existing agreement; and

(B) before and after submission of the notice, consult regarding the negotiations with the committees referred to in section 4(a)(2) and the Congressional Oversight Group.

SEC. 7. CONGRESSIONAL OVERSIGHT GROUP.

(a) MEMBERS AND FUNCTIONS.—

(1) IN GENERAL.—By not later than 60 days after the date of the enactment of this Act, and not later than 30 days after the convening of each Congress, the chairman of the Committee on Ways and Means of the House of Representatives and the chairman of the Committee on Finance of the Senate shall convene the Congressional Oversight Group.

(2) MEMBERSHIP FROM THE HOUSE.—In each Congress, the Congressional Oversight Group shall be comprised of the following Members of the House of Representatives:

(A) The chairman and ranking member of the Committee on Ways and Means, and 3 additional members of such Committee (not more than 2 of whom are members of the same political party).

(B) The chairman and ranking member, or their designees, of the committees of the House of Representatives which would have, under the Rules of the House of Representatives, jurisdiction over provisions of law affected by a trade agreement negotiations for which are conducted at any time during that Congress and to which this Act would apply.

(3) MEMBERSHIP FROM THE SENATE.—In each Congress, the Congressional Oversight Group shall also be comprised of the following members of the Senate:

(A) The chairman and ranking Member of the Committee on Finance and 3 additional members of such Committee (not more than 2 of whom are members of the same political party).

(B) The chairman and ranking member, or their designees, of the committees of the Senate which would have, under the Rules of the Senate, jurisdiction over provisions of law affected by a trade agreement negotiations for which are conducted at any time during that Congress and to which this Act would apply.

(4) ACCREDITATION.—Each member of the Congressional Oversight Group described in paragraph (2)(A) and (3)(A) shall be accredited by the United States Trade Representative on behalf of the President as official advisers to the United States delegation in negotiations for any trade agreement to which this Act applies. Each member of the Congressional Oversight Group described in paragraph (2)(B) and (3)(B) shall be accredited by the United States Trade Representative on behalf of the President as official advisers to the United States delegation in the negotiations by reason of which the member is in the Congressional Oversight Group. The Congressional Oversight Group shall consult with and provide advice to the Trade Representative regarding the formulation of specific objectives, negotiating strategies and positions, the development of the applicable trade agreement, and compliance and enforcement of the negotiated commitments under the trade agreement.

(5) CHAIR.—The Congressional Oversight Group shall be chaired by the Chairman of the Committee on Ways and Means of the House of Representatives and the Chairman of the Committee on Finance of the Senate.

(b) GUIDELINES.—

(1) PURPOSE AND REVISION.—The United States Trade Representative, in consultation with the chairmen and ranking minority members of the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate—

(A) shall, within 120 days after the date of the enactment of this Act, develop written guidelines to facilitate the useful and timely exchange of information between the Trade Representative and the Congressional Oversight Group established under this section; and

(B) may make such revisions to the guidelines as may be necessary from time to time.

(2) CONTENT.—The guidelines developed under paragraph (1) shall provide for, among other things—

(A) regular, detailed briefings of the Congressional Oversight Group regarding negotiating objectives, including the promotion of certain priorities referred to in section 2(c), and positions and the status of the applicable negotiations, beginning as soon as practicable after the Congressional Oversight Group is convened, with more frequent briefings as trade negotiations enter the final stage;

(B) access by members of the Congressional Oversight Group, and staff with proper security clearances, to pertinent documents relating to the negotiations, including classified materials;

(C) the closest practicable coordination between the Trade Representative and the Congressional Oversight Group at all critical periods during the negotiations, including at negotiation sites; and

(D) after the applicable trade agreement is concluded, consultation regarding ongoing compliance and enforcement of negotiated commitments under the trade agreement.

SEC. 8. ADDITIONAL IMPLEMENTATION AND ENFORCEMENT REQUIREMENTS.

(a) IN GENERAL.—At the time the President submits to the Congress the final text of an agreement pursuant to section 5(a)(1)(C), the President shall also submit a plan for implementing and enforcing the agreement. The implementation and enforcement plan shall include the following:

(1) BORDER PERSONNEL REQUIREMENTS.—A description of additional personnel required at border entry points, including a list of additional customs and agricultural inspectors.

(2) AGENCY STAFFING REQUIREMENTS.—A description of additional personnel required by Federal agencies responsible for monitoring and implementing the trade agreement, including personnel required by the Office of the United States Trade Representative, the Department of Commerce, the Department of Agriculture (including additional personnel required to implement sanitary and phytosanitary measures in order to obtain market access for United States exports), the Department of the Treasury, and such other agencies as may be necessary.

(3) CUSTOMS INFRASTRUCTURE REQUIREMENTS.—A description of the additional equipment and facilities needed by the United States Customs Service.

(4) IMPACT ON STATE AND LOCAL GOVERNMENTS.—A description of the impact the trade agreement will have on State and local governments as a result of increases in trade.

(5) COST ANALYSIS.—An analysis of the costs associated with each of the items listed in paragraphs (1) through (4).

(b) BUDGET SUBMISSION.—The President shall include a request for the resources necessary to support the plan described in subsection (a) in the first budget that the President submits to the Congress after the submission of the plan.

SEC. 9. DEFINITIONS.

In this Act:

(1) AGREEMENT ON AGRICULTURE.—The term ''Agreement on Agriculture'' means the agreement referred to in section 101(d)(2) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(2)).

(2) CORE LABOR STANDARDS.—The term ''core labor standards'' means—

(A) the right of association;

(B) the right to organize and bargain collectively;

(C) a prohibition on the use of any form of forced or compulsory labor;

(D) a minimum age for the employment of children; and

(E) acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health.

(3) GATT 1994.—The term ''GATT 1994'' has the meaning given that term in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501).

(4) ILO.—The term ''ILO'' means the International Labor Organization.

(5) UNITED STATES PERSON.—The term ''United States person'' means—

(A) a United States citizen;

(B) a partnership, corporation, or other legal entity organized under the laws of the United States; and

(C) a partnership, corporation, or other legal entity that is organized under the laws of a foreign country and is controlled by entities described in subparagraph (B) or United States citizens, or both.

(6) URUGUAY ROUND AGREEMENTS.—The term ''Uruguay Round Agreements'' has the meaning given that term in section 2(7) of the Uruguay Round Agreements Act (19 U.S.C. 3501(7)).

(7) WORLD TRADE ORGANIZATION; WTO.—The terms ''World Trade Organization'' and ''WTO'' mean the organization established pursuant to the WTO Agreement.

(8) WTO AGREEMENT.—The term ''WTO Agreement'' means the Agreement Establishing the World Trade Organization entered into on April 15, 1994.

The SPEAKER pro tempore. The amendment printed in the bill, modified by the amendment printed in House Report 107–323, is adopted.

The text of H.R. 3005, as amended, as modified, is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the ''Bipartisan Trade Promotion Authority Act of 2001''.

(b) FINDINGS.—The Congress makes the following findings:

(1) The expansion of international trade is vital to the national security of the United States. Trade is critical to the economic growth and strength of the United States and to its leadership in the world. Stable trading relationships promote security and prosperity. Trade agreements today serve the same purposes that security pacts played during the Cold War, binding nations together through a series of mutual rights and obligations. Leadership by the United States in international trade fosters open markets, democracy, and peace throughout the world.

(2) The national security of the United States depends on its economic security, which in turn is founded upon a vibrant and growing industrial base. Trade expansion has been the engine of economic growth. Trade agreements maximize opportunities for the critical sectors and building blocks of the economy of the United States, such as information technology, telecommunications and other leading technologies, basic industries, capital equipment, medical equipment, services, agriculture, environmental technology, and intellectual property. Trade will create new opportunities for the United States and preserve the unparalleled strength of the United States in economic, political, and military affairs. The United States, secured by expanding trade and economic opportunities, will meet the challenges of the twenty-first century.

SEC. 2. TRADE NEGOTIATING OBJECTIVES.

(a) OVERALL TRADE NEGOTIATING OBJECTIVES.—The overall trade negotiating objectives of the United States for agreements subject to the provisions of section 3 are—

(1) to obtain more open, equitable, and reciprocal market access;

(2) to obtain the reduction or elimination of barriers and distortions that are directly related to trade and that decrease market opportunities for United States exports or otherwise distort United States trade;

(3) to further strengthen the system of international trading disciplines and procedures, including dispute settlement;

(4) to foster economic growth, raise living standards, and promote full employment in the United States and to enhance the global economy;

(5) to ensure that trade and environmental policies are mutually supportive and to seek to protect and preserve the environment and enhance the international means of doing so, while optimizing the use of the world's resources;

(6) to promote respect for worker rights and the rights of children consistent with core labor standards of the International Labor Organization (as defined in section 11(2)) and an understanding of the relationship between trade and worker rights;

(7) to seek provisions in trade agreements under which parties to those agreements strive to ensure that they do not weaken or reduce the protections afforded in domestic environmental and labor laws as an encouragement for trade.

(b) PRINCIPAL TRADE NEGOTIATING OBJECTIVES.—

(1) TRADE BARRIERS AND DISTORTIONS.—The principal negotiating objectives of the United States regarding trade barriers and other trade distortions are—

(A) to expand competitive market opportunities for United States exports and to obtain fairer and more open conditions of trade by reducing or eliminating tariff and nontariff barriers and policies and practices of foreign governments directly related to trade that decrease market opportunities for United States exports or otherwise distort United States trade; and

(B) to obtain reciprocal tariff and nontariff barrier elimination agreements, with particular attention to those tariff categories covered in section 111(b) of the Uruguay Round Agreements Act (19 U.S.C. 3521(b)).

(2) TRADE IN SERVICES.—The principal negotiating objective of the United States regarding trade in services is to reduce or eliminate barriers to international trade in services, including regulatory and other barriers that deny national treatment and market access or unreasonably restrict the establishment or operations of service suppliers.

(3) FOREIGN INVESTMENT.—The principal negotiating objective of the United States regarding foreign investment is to reduce or eliminate artificial or trade-distorting barriers to trade-related foreign investment and, recognizing that United States law on the whole provides a high level of protection for investment, consistent with or greater than the level required by international law, to secure for investors important rights comparable to those that would be available under United States legal principles and practice, by

(A) reducing or eliminating exceptions to the principle of national treatment;

(B) freeing the transfer of funds relating to investments;

(C) reducing or eliminating performance requirements, forced technology transfers, and other unreasonable barriers to the establishment and operation of investments;

(D) seeking to establish standards for expropriation and compensation for expropriation, consistent with United States legal principles and practice;

(E) providing meaningful procedures for resolving investment disputes;

(F) seeking to improve mechanisms used to resolve disputes between an investor and a government through—

(i) mechanisms to eliminate frivolous claims; and

(ii) procedures to ensure the efficient selection of arbitrators and the expeditious disposition of claims;

(G) providing an appellate or similar review mechanism to correct manifestly erroneous interpretations of law; and

(H) ensuring the fullest measure of transparency in the dispute settlement mechanism, to the extent consistent with the need to protect information that is classified or business confidential, by—

(i) ensuring that all requests for dispute settlement are promptly made public;

(ii) ensuring that—

(I) all proceedings, submissions, findings, and decisions are promptly made public;

(II) all hearings are open to the public; and

(iii) establishing a mechanism for acceptance of amicus curiae submissions from businesses, unions, and nongovernmental organizations.

(4) INTELLECTUAL PROPERTY.—The principal negotiating objectives of the United States regarding trade-related intellectual property are—

(A) to further promote adequate and effective protection of intellectual property rights, including through—

(i)(I) ensuring accelerated and full implementation of the Agreement on Trade-Related Aspects of Intellectual Property Rights referred to in section 101(d)(15) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(15)), particularly with respect to meeting enforcement obligations under that agreement; and

(II) ensuring that the provisions of any multilateral or bilateral trade agreement governing intellectual property rights that is entered into by the United States reflect a standard of protection similar to that found in United States law;

(ii) providing strong protection for new and emerging technologies and new methods of transmitting and distributing products embodying intellectual property;

(iii) preventing or eliminating discrimination with respect to matters affecting the availability, acquisition, scope, maintenance, use, and enforcement of intellectual property rights;

(iv) ensuring that standards of protection and enforcement keep pace with technological developments, and in particular ensuring that rightholders have the legal and technological means to control the use of their works through the Internet and other global communication media, and to prevent the unauthorized use of their works; and

(v) providing strong enforcement of intellectual property rights, including through accessible, expeditious, and effective civil, administrative, and criminal enforcement mechanisms; and

(B) to secure fair, equitable, and nondiscriminatory market access opportunities for United States persons that rely upon intellectual property protection.

(5) TRANSPARENCY.—The principal negotiating objective of the United States with respect to transparency is to obtain wider and broader application of the principle of transparency through—

(A) increased and more timely public access to information regarding trade issues and the activities of international trade institutions;

(B) increased openness at the WTO and other international trade fora by increasing public access to appropriate meetings, proceedings, and submissions, including with regard to dispute settlement and investment; and

(C) increased and more timely public access to all notifications and supporting documentation submitted by parties to the WTO.

(6) ANTI-CORRUPTION.—The principal negotiating objectives of the United States with respect to the use of money or other things of value to influence acts, decisions, or omissions of foreign governments or officials or to secure any improper advantage in a manner affecting trade are—

(A) to obtain high standards and appropriate domestic enforcement mechanisms applicable to persons from all countries participating in the applicable trade agreement that prohibit such attempts to influence acts, decisions, or omissions of foreign governments; and

(B) to ensure that such standards do not place United States persons at a competitive disadvantage in international trade.

(7) IMPROVEMENT OF THE WTO AND MULTILATERAL TRADE AGREEMENTS.—The principal negotiating objectives of the United States regarding the improvement of the World Trade Organization, the Uruguay Round Agreements, and other multilateral and bilateral trade agreements are—

(A) to achieve full implementation and extend the coverage of the World Trade Organization and such agreements to products, sectors, and conditions of trade not adequately covered; and

(B) to expand country participation in and enhancement of the Information Technology Agreement and other trade agreements.

(8) REGULATORY PRACTICES.—The principal negotiating objectives of the United States regarding the use of government regulation or other practices by foreign governments to provide a competitive advantage to their domestic producers, service providers, or investors and thereby reduce market access for United States goods, services, and investments are—

(A) to achieve increased transparency and opportunity for the participation of affected parties in the development of regulations;

(B) to require that proposed regulations be based on sound science, cost-benefit analysis, risk assessment, or other objective evidence;

(C) to establish consultative mechanisms among parties to trade agreements to promote increased transparency in developing guidelines, rules, regulations, and laws for government procurement and other regulatory regimes; and

(D) to achieve the elimination of government measures such as price controls and reference pricing which deny full market access for United States products.

(9) ELECTRONIC COMMERCE.—The principal negotiating objectives of the United States with respect to electronic commerce are—

(A) to ensure that current obligations, rules, disciplines, and commitments under the World Trade Organization apply to electronic commerce;

(B) to ensure that—

(i) electronically delivered goods and services receive no less favorable treatment under trade rules and commitments than like products delivered in physical form; and

(ii) the classification of such goods and services ensures the most liberal trade treatment possible;

(C) to ensure that governments refrain from implementing trade-related measures that impede electronic commerce;

(D) where legitimate policy objectives require domestic regulations that affect electronic commerce, to obtain commitments that any such regulations are the least restrictive on trade, nondiscriminatory, and transparent, and promote an open market environment; and

(E) to extend the moratorium of the World Trade Organization on duties on electronic transmissions.

(10) RECIPROCAL TRADE IN AGRICULTURE.—(A) The principal negotiating objective of the United States with respect to agriculture is to obtain competitive opportunities for United States exports of agricultural commodities in foreign markets substantially equivalent to the competitive opportunities afforded foreign exports in United States markets and to achieve fairer and more open conditions of trade in bulk, specialty crop, and value-added commodities by—

(i) reducing or eliminating, by a date certain, tariffs or other charges that decrease market opportunities for United States exports—

(I) giving priority to those products that are subject to significantly higher tariffs or subsidy regimes of major producing countries; and

(II) providing reasonable adjustment periods for United States import-sensitive products, in close consultation with the Congress on such products before initiating tariff reduction negotiations;

(ii) reducing tariffs to levels that are the same as or lower than those in the United States;

(iii) reducing or eliminating subsidies that decrease market opportunities for United States exports or unfairly distort agriculture markets to the detriment of the United States;

(iv) allowing the preservation of programs that support family farms and rural communities but do not distort trade;

(v) developing disciplines for domestic support programs, so that production that is in excess of domestic food security needs is sold at world prices;

(vi) eliminating Government policies that create price-depressing surpluses;

(vii) eliminating state trading enterprises whenever possible;

(viii) developing, strengthening, and clarifying rules and effective dispute settlement mechanisms to eliminate practices that unfairly decrease United States market access opportunities or distort agricultural markets to the detriment of the United States, particularly with respect to import-sensitive products, including—

(I) unfair or trade-distorting activities of state trading enterprises and other administrative mechanisms, with emphasis on requiring price transparency in the operation of state trading enterprises and such other mechanisms in order to end cross subsidization, price discrimination, and price undercutting;

(II) unjustified trade restrictions or commercial requirements, such as labeling, that affect new technologies, including biotechnology;

(III) unjustified sanitary or phytosanitary restrictions, including those not based on scientific principles in contravention of the Uruguay Round Agreements;

(IV) other unjustified technical barriers to trade; and

(V) restrictive rules in the administration of tariff rate quotas;

(ix) eliminating practices that adversely affect trade in perishable or cyclical products, while improving import relief mechanisms to recognize the unique characteristics of perishable and cyclical agriculture;

(x) ensuring that the use of import relief mechanisms for perishable and cyclical agriculture are as accessible and timely to growers in the United States as those mechanisms that are used by other countries;

(xi) taking into account whether a party to the negotiations has failed to adhere to the provisions of already existing trade agreements with the United States or has circumvented obligations under those agreements;

(xii) taking into account whether a product is subject to market distortions by reason of a failure of a major producing country to adhere to the provisions of already existing trade agreements with the United States or by the circumvention by that country of its obligations under those agreements;

(xiii) otherwise ensuring that countries that accede to the World Trade Organization have made meaningful market liberalization commitments in agriculture;

(xiv) taking into account the impact that agreements covering agriculture to which the United States is a party, including the North American Free Trade Agreement, have on the United States agricultural industry; and

(xv) maintaining bona fide food assistance programs and preserving United States market development and export credit programs.

(B)(i) Before commencing negotiations with respect to agriculture, the United States Trade Representative, in consultation with the Congress, shall seek to develop a position on the treatment of seasonal and perishable agricultural products to be employed in the negotiations in order to develop an international consensus on the treatment of seasonal or perishable agricultural products in investigations relating to dumping and safeguards and in any other relevant area.

(ii) During any negotiations on agricultural subsidies, the United States Trade Representative shall seek to establish the common base year for calculating the Aggregated Measurement of Support (as defined in the Agreement on Agriculture) as the end of each country's Uruguay Round implementation period, as reported in

each country's Uruguay Round market access schedule.

(iii) The negotiating objective provided in subparagraph (A) applies with respect to agricultural matters to be addressed in any trade agreement entered into under section 3(a) or (b), including any trade agreement entered into under section 3(a) or (b) that provides for accession to a trade agreement to which the United States is already a party, such as the North American Free Trade Agreement and the United States-Canada Free Trade Agreement.

(11) LABOR AND THE ENVIRONMENT.—The principal negotiating objectives of the United States with respect to labor and the environment are—

(A) to ensure that a party to a trade agreement with the United States does not fail to effectively enforce its environmental or labor laws, through a sustained or recurring course of action or inaction, in a manner affecting trade between the United States and that party after entry into force of a trade agreement between those countries;

(B) to recognize that parties to a trade agreement retain the right to exercise discretion with respect to investigatory, prosecutorial, regulatory, and compliance matters and to make decisions regarding the allocation of resources to enforcement with respect to other labor or environmental matters determined to have higher priorities, and to recognize that a country is effectively enforcing its laws if a course of action or inaction reflects a reasonable exercise of such discretion, or results from a bona fide decision regarding the allocation of resources; and no retaliation may be authorized based on the exercise of these rights or the right to establish domestic labor standards and levels of environmental protection;

(C) to strengthen the capacity of United States trading partners to promote respect for core labor standards (as defined in section 11(2));

(D) to strengthen the capacity of United States trading partners to protect the environment through the promotion of sustainable development;

(E) to reduce or eliminate government practices or policies that unduly threaten sustainable development;

(F) to seek market access, through the elimination of tariffs and nontariff barriers, for United States environmental technologies, goods, and services; and

(G) to ensure that labor, environmental, health, or safety policies and practices of the parties to trade agreements with the United States do not arbitrarily or unjustifiably discriminate against United States exports or serve as disguised barriers to trade.

(12) DISPUTE SETTLEMENT AND ENFORCEMENT.—The principal negotiating objectives of the United States with respect to dispute settlement and enforcement of trade agreements are—

(A) to seek provisions in trade agreements providing for resolution of disputes between governments under those trade agreements in an effective, timely, transparent, equitable, and reasoned manner, requiring determinations based on facts and the principles of the agreements, with the goal of increasing compliance with the agreements;

(B) to seek to strengthen the capacity of the Trade Policy Review Mechanism of the World Trade Organization to review compliance with commitments;

(C) to seek provisions encouraging the early identification and settlement of disputes through consultation;

(D) to seek provisions to encourage the provision of trade-expanding compensation if a party to a dispute under the agreement does not come into compliance with its obligations under the agreement;

(E) to seek provisions to impose a penalty upon a party to a dispute under the agreement that—

(i) encourages compliance with the obligations of the agreement;

(ii) is appropriate to the parties, nature, subject matter, and scope of the violation; and

(iii) has the aim of not adversely affecting parties or interests not party to the dispute while maintaining the effectiveness of the enforcement mechanism; and

(F) to seek provisions that treat United States principal negotiating objectives equally with respect to—

(i) the ability to resort to dispute settlement under the applicable agreement;

(ii) the availability of equivalent dispute settlement procedures; and

(iii) the availability of equivalent remedies.

(13) WTO EXTENDED NEGOTIATIONS.—The principal negotiating objectives of the United States regarding trade in civil aircraft are those set forth in section 135(c) of the Uruguay Round Agreements Act (19 U.S.C. 3355(c)) and regarding rules of origin are the conclusion of an agreement described in section 132 of that Act (19 U.S.C. 3552).

(c) PROMOTION OF CERTAIN PRIORITIES.—In order to address and maintain United States competitiveness in the global economy, the President shall—

(1) seek greater cooperation between the WTO and the ILO;

(2) seek to establish consultative mechanisms among parties to trade agreements to strengthen the capacity of United States trading partners to promote respect for core labor standards (as defined in section 11(2)), and report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on the content and operation of such mechanisms;

(3) seek to establish consultative mechanisms among parties to trade agreements to strengthen the capacity of United States trading partners to develop and implement standards for the protection of the environment and human health based on sound science, and report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on the content and operation of such mechanisms;

(4) conduct environmental reviews of future trade and investment agreements, consistent with Executive Order 13141 of November 16, 1999 and its relevant guidelines, and report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on such reviews;

(5) review the impact of future trade agreements on United States employment, modeled after Executive Order 13141, and report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on such review;

(6) take into account other legitimate United States domestic objectives including, but not limited to, the protection of legitimate health or safety, essential security, and consumer interests and the law and regulations related thereto;

(7) have the Secretary of Labor consult with any country seeking a trade agreement with the United States concerning that country's labor laws and provide technical assistance to that country if needed;

(8) with respect to any trade agreement which the President seeks to implement under trade authorities procedures, submit to the Congress a report describing the extent to which the country or countries that are parties to the agreement have in effect laws governing exploitative child labor;

(9) preserve the ability of the United States to enforce rigorously its trade laws, including the antidumping and countervailing duty laws, and avoid agreements which lessen the effectiveness of domestic and international disciplines on unfair trade, especially dumping and subsidies, in order to ensure that United States workers, agricultural producers, and firms can compete fully on fair terms and enjoy the benefits of reciprocal trade concessions;

(10) continue to promote consideration of multilateral environmental agreements and consult with parties to such agreements regarding the consistency of any such agreement that includes trade measures with existing environmental exceptions under Article XX of the GATT 1994;

(11) report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, not later than 12 months after the imposition of a penalty or remedy by the United States permitted by a trade agreement to which this Act applies, on the effectiveness of the penalty or remedy applied under United States law in enforcing United States rights under the trade agreement; and

(12) seek to establish consultative mechanisms among parties to trade agreements to examine the trade consequences of significant and unanticipated currency movements and to scrutinize whether a foreign government is engaged in a pattern of manipulating its currency to promote a competitive advantage in international trade. The report under paragraph (11) shall address whether the penalty or remedy was effective in changing the behavior of the targeted party and whether the penalty or remedy had any adverse impact on parties or interests not party to the dispute.

(d) CONSULTATIONS.—

(1) CONSULTATIONS WITH CONGRESSIONAL ADVISERS.—In the course of negotiations conducted under this Act, the United States Trade Representative shall consult closely and on a timely basis with, and keep fully apprised of the negotiations, the Congressional Oversight Group convened under section 7 and all committees of the House of Representatives and the Senate with jurisdiction over laws that would be affected by a trade agreement resulting from the negotiations.

(2) CONSULTATION BEFORE AGREEMENT INITIALED.—In the course of negotiations conducted under this Act, the United States Trade Representative shall—

(A) consult closely and on a timely basis (including immediately before initialing an agreement) with, and keep fully apprised of the negotiations, the congressional advisers for trade policy and negotiations appointed under section 161 of the Trade Act of 1974 (19 U.S.C. 2211), the Committee on Ways and Means of the House of Representatives, the Committee on Finance of the Senate, and the Congressional Oversight Group convened under section 7; and

(B) with regard to any negotiations and agreement relating to agricultural trade, also consult closely and on a timely basis (including immediately before initialing an agreement) with, and keep fully apprised of the negotiations, the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(e) ADHERENCE TO OBLIGATIONS UNDER URUGUAY ROUND AGREEMENTS.—In determining whether to enter into negotiations with a particular country, the President shall take into account the extent to which that country has implemented, or has accelerated the implementation of, its obligations under the Uruguay Round Agreements.

SEC. 3. TRADE AGREEMENTS AUTHORITY.

(a) AGREEMENTS REGARDING TARIFF BARRIERS.—

(1) IN GENERAL.—Whenever the President determines that one or more existing duties or other import restrictions of any foreign country or the United States are unduly burdening and restricting the foreign trade of the United States and that the purposes, policies, priorities, and objectives of this Act will be promoted thereby, the President—

(A) may enter into trade agreements with foreign countries before—

(i) June 1, 2005; or

(ii) June 1, 2007, if trade authorities procedures are extended under subsection (c); and

(B) may, subject to paragraphs (2) and (3), proclaim—

(i) such modification or continuance of any existing duty,

(ii) such continuance of existing duty-free or excise treatment, or

(iii) such additional duties,

as the President determines to be required or appropriate to carry out any such trade agreement.

The President shall notify the Congress of the President's intention to enter into an agreement under this subsection.

(2) LIMITATIONS.—No proclamation may be made under paragraph (1) that—

(A) reduces any rate of duty (other than a rate of duty that does not exceed 5 percent ad valorem on the date of the enactment of this Act) to a rate of duty which is less than 50 percent of the rate of such duty that applies on such date of enactment;

(B) notwithstanding paragraph (6), reduces the rate of duty below that applicable under the Uruguay Round Agreements, on any agricultural product which was the subject of tariff reductions by the United States as a result of the Uruguay Round Agreements, for which the rate of duty, pursuant to such Agreements, was reduced on January 1, 1995, to a rate which was not less than 97.5 percent of the rate of duty that applied to such article on December 31, 1994; or

(C) increases any rate of duty above the rate that applied on the date of the enactment of this Act.

(3) AGGREGATE REDUCTION; EXEMPTION FROM STAGING.—

(A) AGGREGATE REDUCTION.—Except as provided in subparagraph (B), the aggregate reduction in the rate of duty on any article which is in effect on any day pursuant to a trade agreement entered into under paragraph (1) shall not exceed the aggregate reduction which would have been in effect on such day if—

(i) a reduction of 3 percent ad valorem or a reduction of one-tenth of the total reduction, whichever is greater, had taken effect on the effective date of the first reduction proclaimed under paragraph (1) to carry out such agreement with respect to such article; and

(ii) a reduction equal to the amount applicable under clause (i) had taken effect at 1-year intervals after the effective date of such first reduction.

(B) EXEMPTION FROM STAGING.—No staging is required under subparagraph (A) with respect to a duty reduction that is proclaimed under paragraph (1) for an article of a kind that is not produced in the United States. The United States International Trade Commission shall advise the President of the identity of articles that may be exempted from staging under this subparagraph.

(4) ROUNDING.—If the President determines that such action will simplify the computation of reductions under paragraph (3), the President may round an annual reduction by an amount equal to the lesser of—

(A) the difference between the reduction without regard to this paragraph and the next lower whole number; or

(B) one-half of 1 percent ad valorem.

(5) OTHER LIMITATIONS.—A rate of duty reduction that may not be proclaimed by reason of paragraph (2) may take effect only if a provision authorizing such reduction is included within an implementing bill provided for under section 5 and that bill is enacted into law.

(6) OTHER TARIFF MODIFICATIONS.—Notwithstanding paragraphs (1)(B), (2)(A), (2)(C), and (3) through (5), and subject to the consultation and layover requirements of section 115 of the Uruguay Round Agreements Act, the President may proclaim the modification of any duty or staged rate reduction of any duty set forth in Schedule XX, as defined in section 2(5) of that Act, if the United States agrees to such modification or staged rate reduction in a negotiation for the reciprocal elimination or harmonization of duties under the auspices of the World Trade Organization.

(7) AUTHORITY UNDER URUGUAY ROUND AGREEMENTS ACT NOT AFFECTED.—Nothing in this subsection shall limit the authority provided to the President under section 111(b) of the Uruguay Round Agreements Act (19 U.S.C. 3521(b)).

(b) AGREEMENTS REGARDING TARIFF AND NONTARIFF BARRIERS.—

(1) IN GENERAL.—(A) Whenever the President determines that—

(i) one or more existing duties or any other import restriction of any foreign country or the United States or any other barrier to, or other distortion of, international trade unduly burdens or restricts the foreign trade of the United States or adversely affects the United States economy; or

(ii) the imposition of any such barrier or distortion is likely to result in such a burden, restriction, or effect;

and that the purposes, policies, priorities, and objectives of this Act will be promoted thereby, the President may enter into a trade agreement described in subparagraph (B) during the period described in subparagraph (C).

(B) The President may enter into a trade agreement under subparagraph (A) with foreign countries providing for—

(i) the reduction or elimination of a duty, restriction, barrier, or other distortion described in subparagraph (A), or

(ii) the prohibition of, or limitation on the imposition of, such barrier or other distortion.

(C) The President may enter into a trade agreement under this paragraph before—

(i) June 1, 2005; or

(ii) June 1, 2007, if trade authorities procedures are extended under subsection (c).

(2) CONDITIONS.—A trade agreement may be entered into under this subsection only if such agreement makes progress in meeting the applicable objectives described in section 2(a) and (b) and the President satisfies the conditions set forth in section 4.

(3) BILLS QUALIFYING FOR TRADE AUTHORITIES PROCEDURES.—(A) The provisions of section 151 of the Trade Act of 1974 (in this Act referred to as ''trade authorities procedures'') apply to a bill of either House of Congress which contains provisions described in subparagraph (B) to the same extent as such section 151 applies to implementing bills under that section. A bill to which this paragraph applies shall hereafter in this Act be referred to as an ''implementing bill''.

(B) The provisions referred to in subparagraph (A) are—

(i) a provision approving a trade agreement entered into under this subsection and approving the statement of administrative action, if any, proposed to implement such trade agreement; and

(ii) if changes in existing laws or new statutory authority are required to implement such trade agreement or agreements, provisions, necessary or appropriate to implement such trade agreement or agreements, either repealing or amending existing laws or providing new statutory authority.

(c) EXTENSION DISAPPROVAL PROCESS FOR CONGRESSIONAL TRADE AUTHORITIES PROCEDURES.—

(1) IN GENERAL.—Except as provided in section 5(b)—

(A) the trade authorities procedures apply to implementing bills submitted with respect to trade agreements entered into under subsection (b) before July 1, 2005; and

(B) the trade authorities procedures shall be extended to implementing bills submitted with respect to trade agreements entered into under subsection (b) after June 30, 2005, and before July 1, 2007, if (and only if)—

(i) the President requests such extension under paragraph (2); and

(ii) neither House of the Congress adopts an extension disapproval resolution under paragraph (5) before June 1, 2005.

(2) REPORT TO CONGRESS BY THE PRESIDENT.—If the President is of the opinion that the trade authorities procedures should be extended to implementing bills described in paragraph (1)(B), the President shall submit to the Congress, not later than March 1, 2005, a written report that contains a request for such extension, together with—

(A) a description of all trade agreements that have been negotiated under subsection (b) and the anticipated schedule for submitting such agreements to the Congress for approval;

(B) a description of the progress that has been made in negotiations to achieve the purposes, policies, priorities, and objectives of this Act, and a statement that such progress justifies the continuation of negotiations; and

(C) a statement of the reasons why the extension is needed to complete the negotiations.

(3) REPORT TO CONGRESS BY THE ADVISORY COMMITTEE.—The President shall promptly inform the Advisory Committee for Trade Policy and Negotiations established under section 135 of the Trade Act of 1974 (19 U.S.C. 2155) of the President's decision to submit a report to the Congress under paragraph (2). The Advisory Committee shall submit to the Congress as soon as practicable, but not later than May 1, 2005, a written report that contains—

(A) its views regarding the progress that has been made in negotiations to achieve the purposes, policies, priorities, and objectives of this Act; and

(B) a statement of its views, and the reasons therefore, regarding whether the extension requested under paragraph (2) should be approved or disapproved.

(4) STATUS OF REPORTS.—The reports submitted to the Congress under paragraphs (2) and (3), or any portion of such reports, may be classified to the extent the President determines appropriate.

(5) EXTENSION DISAPPROVAL RESOLUTIONS.—(A) For purposes of paragraph (1), the term ''extension disapproval resolution'' means a resolution of either House of the Congress, the sole matter after the resolving clause of which is as follows: ''That the ____ disapproves the request of the President for the extension, under section 3(c)(1)(B)(i) of the Bipartisan Trade Promotion Authority Act of 2001, of the trade authorities procedures under that Act to any implementing bill submitted with respect to any trade agreement entered into under section 3(b) of that Act after June 30, 2005.'', with the blank space being filled with the name of the resolving House of the Congress.

(B) Extension disapproval resolutions—

(i) may be introduced in either House of the Congress by any member of such House; and

(ii) shall be referred, in the House of Representatives, to the Committee on Ways and Means and, in addition, to the Committee on Rules.

(C) The provisions of section 152(d) and (e) of the Trade Act of 1974 (19 U.S.C. 2192(d) and (e)) (relating to the floor consideration of certain resolutions in the House and Senate) apply to extension disapproval resolutions.

(D) It is not in order for—

(i) the Senate to consider any extension disapproval resolution not reported by the Committee on Finance;

(ii) the House of Representatives to consider any extension disapproval resolution not reported by the Committee on Ways and Means and, in addition, by the Committee on Rules; or

(iii) either House of the Congress to consider an extension disapproval resolution after June 30, 2005.

(d) COMMENCEMENT OF NEGOTIATIONS.—In order to contribute to the continued economic expansion of the United States, the President shall commence negotiations covering tariff and nontariff barriers affecting any industry, product, or service sector, and expand existing sectoral agreements to countries that are not parties to those agreements, in cases where the President determines that such negotiations are feasible and timely and would benefit the

United States. Such sectors include agriculture, commercial services, intellectual property rights, industrial and capital goods, government procurement, information technology products, environmental technology and services, medical equipment and services, civil aircraft, and infrastructure products. In so doing, the President shall take into account all of the principal negotiating objectives set forth in section 2(b).

SEC. 4. CONSULTATIONS AND ASSESSMENT.

(a) NOTICE AND CONSULTATION BEFORE NEGOTIATION.—The President, with respect to any agreement that is subject to the provisions of section 3(b), shall—

(1) provide, at least 90 calendar days before initiating negotiations, written notice to the Congress of the President's intention to enter into the negotiations and set forth therein the date the President intends to initiate such negotiations, the specific United States objectives for the negotiations, and whether the President intends to seek an agreement, or changes to an existing agreement;

(2) before and after submission of the notice, consult regarding the negotiations with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives, such other committees of the House and Senate as the President deems appropriate, and the Congressional Oversight Group convened under section 7; and

(3) upon the request of a majority of the members of the Congressional Oversight Group under section 7(c), meet with the Congressional Oversight Group before initiating the negotiations or at any other time concerning the negotiations.

(b) NEGOTIATIONS REGARDING AGRICULTURE.—

(1) IN GENERAL.—Before initiating or continuing negotiations the subject matter of which is directly related to the subject matter under section 2(b)(10)(A)(i) with any country, the President shall assess whether United States tariffs on agricultural products that were bound under the Uruguay Round Agreements are lower than the tariffs bound by that country. In addition, the President shall consider whether the tariff levels bound and applied throughout the world with respect to imports from the United States are higher than United States tariffs and whether the negotiation provides an opportunity to address any such disparity. The President shall consult with the Committee on Ways and Means and the Committee on Agriculture of the House of Representatives and the Committee on Finance and the Committee on Agriculture, Nutrition, and Forestry of the Senate concerning the results of the assessment, whether it is appropriate for the United States to agree to further tariff reductions based on the conclusions reached in the assessment, and how all applicable negotiating objectives will be met.

(2) SPECIAL CONSULTATIONS ON IMPORT SENSITIVE PRODUCTS.—(A) Before initiating negotiations with regard to agriculture, and, with respect to the Free Trade Area for the Americas and negotiations with regard to agriculture under the auspices of the World Trade Organization, as soon as practicable after the enactment of this Act, the United States Trade Representative shall—

(i) identify those agricultural products subject to tariff reductions by the United States as a result of the Uruguay Round Agreements, for which the rate of duty was reduced on January 1, 1995, to a rate which was not less than 97.5 percent of the rate of duty that applied to such article on December 31, 1994;

(ii) consult with the Committee on Ways and Means and the Committee on Agriculture of the House of Representatives and the Committee on Finance and the Committee on Agriculture, Nutrition, and Forestry of the Senate concerning—

(I) whether any further tariff reductions on the products identified under clause (i) should be appropriate, taking into account the impact of any such tariff reduction on the United States industry producing the product concerned; and

(II) whether the products so identified face unjustified sanitary or phytosanitary restrictions, including those not based on scientific principles in contravention of the Uruguay Round Agreements;

(iii) request that the International Trade Commission prepare an assessment of the probable economic effects of any such tariff reduction on the United States industry producing the product concerned and on the United States economy as a whole; and

(iv) upon complying with clauses (i), (ii), and (iii), notify the Committee on Ways and Means and the Committee on Agriculture of the House of Representatives and the Committee on Finance and the Committee on Agriculture, Nutrition, and Forestry of the Senate of those products identified under clause (i) for which the Trade Representative intends to seek tariff liberalization in the negotiations and the reasons for seeking such tariff liberalization.

(B) If, after negotiations described in subparagraph (A) are commenced—

(i) the United States Trade Representative identifies any additional agricultural product described in subparagraph (A)(i) for tariff reductions which were not the subject of a notification under subparagraph (A)(iv), or

(ii) any additional agricultural product described in subparagraph (A)(i) is the subject of a request for tariff reductions by a party to the negotiations,

the Trade Representative shall, as soon as practicable, notify the committees referred to in subparagraph (A)(iv) of those products and the reasons for seeking such tariff reductions.

(c) NEGOTIATIONS REGARDING TEXTILES.—Before initiating or continuing negotiations the subject matter of which is directly related to textiles and apparel products with any country, the President shall assess whether United States tariffs on textile and apparel products that were bound under the Uruguay Round Agreements are lower than the tariffs bound by that country and whether the negotiation provides an opportunity to address any such disparity. The President shall consult with the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate concerning the results of the assessment, whether it is appropriate for the United States to agree to further tariff reductions based on the conclusions reached in the assessment, and how all applicable negotiating objectives will be met.

(d) CONSULTATION WITH CONGRESS BEFORE AGREEMENTS ENTERED INTO.—

(1) CONSULTATION.—Before entering into any trade agreement under section 3(b), the President shall consult with—

(A) the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate;

(B) each other committee of the House and the Senate, and each joint committee of the Congress, which has jurisdiction over legislation involving subject matters which would be affected by the trade agreement; and

(C) the Congressional Oversight Group convened under section 7.

(2) SCOPE.—The consultation described in paragraph (1) shall include consultation with respect to—

(A) the nature of the agreement;

(B) how and to what extent the agreement will achieve the applicable purposes, policies, priorities, and objectives of this Act; and

(C) the implementation of the agreement under section 5, including the general effect of the agreement on existing laws.

(e) ADVISORY COMMITTEE REPORTS.—The report required under section 135(e)(1) of the Trade Act of 1974 regarding any trade agreement entered into under section 3(a) or (b) of this Act shall be provided to the President, the Congress, and the United States Trade Representative not later than 30 days after the date on which the President notifies the Congress under section 3(a)(1) or 5(a)(1)(A) of the President's intention to enter into the agreement.

(f) ITC ASSESSMENT.—

(1) IN GENERAL.—The President, at least 90 calendar days before the day on which the President enters into a trade agreement under section 3(b), shall provide the International Trade Commission (referred to in this subsection as ''the Commission'') with the details of the agreement as it exists at that time and request the Commission to prepare and submit an assessment of the agreement as described in paragraph (2). Between the time the President makes the request under this paragraph and the time the Commission submits the assessment, the President shall keep the Commission current with respect to the details of the agreement.

(2) ITC ASSESSMENT.—Not later than 90 calendar days after the President enters into the agreement, the Commission shall submit to the President and the Congress a report assessing the likely impact of the agreement on the United States economy as a whole and on specific industry sectors, including the impact the agreement will have on the gross domestic product, exports and imports, aggregate employment and employment opportunities, the production, employment, and competitive position of industries likely to be significantly affected by the agreement, and the interests of United States consumers.

(3) REVIEW OF EMPIRICAL LITERATURE.—In preparing the assessment, the Commission shall review available economic assessments regarding the agreement, including literature regarding any substantially equivalent proposed agreement, and shall provide in its assessment a description of the analyses used and conclusions drawn in such literature, and a discussion of areas of consensus and divergence between the various analyses and conclusions, including those of the Commission regarding the agreement.

SEC. 5. IMPLEMENTATION OF TRADE AGREEMENTS.

(a) IN GENERAL.—

(1) NOTIFICATION AND SUBMISSION.—Any agreement entered into under section 3(b) shall enter into force with respect to the United States if (and only if)—

(A) the President, at least 90 calendar days before the day on which the President enters into the trade agreement, notifies the House of Representatives and the Senate of the President's intention to enter into the agreement, and promptly thereafter publishes notice of such intention in the Federal Register;

(B) within 60 days after entering into the agreement, the President submits to the Congress a description of those changes to existing laws that the President considers would be required in order to bring the United States into compliance with the agreement;

(C) after entering into the agreement, the President submits to the Congress, on a day on which both Houses of Congress are in session, a copy of the final legal text of the agreement, together with—

(i) a draft of an implementing bill described in section 3(b)(3);

(ii) a statement of any administrative action proposed to implement the trade agreement; and

(iii) the supporting information described in paragraph (2); and

(D) the implementing bill is enacted into law.

(2) SUPPORTING INFORMATION.—The supporting information required under paragraph (1)(C)(iii) consists of—

(A) an explanation as to how the implementing bill and proposed administrative action will change or affect existing law; and

(B) a statement—

(i) asserting that the agreement makes progress in achieving the applicable purposes, policies, priorities, and objectives of this Act; and

(ii) setting forth the reasons of the President regarding—

(I) how and to what extent the agreement makes progress in achieving the applicable purposes, policies, and objectives referred to in clause (i);

(II) whether and how the agreement changes provisions of an agreement previously negotiated;

(III) how the agreement serves the interests of United States commerce;

(IV) how the implementing bill meets the standards set forth in section 3(b)(3); and

(V) how and to what extent the agreement makes progress in achieving the applicable purposes, policies, and objectives referred to in section 2(c) regarding the promotion of certain priorities.

(3) RECIPROCAL BENEFITS.—In order to ensure that a foreign country that is not a party to a trade agreement entered into under section 3(b) does not receive benefits under the agreement unless the country is also subject to the obligations under the agreement, the implementing bill submitted with respect to the agreement shall provide that the benefits and obligations under the agreement apply only to the parties to the agreement, if such application is consistent with the terms of the agreement. The implementing bill may also provide that the benefits and obligations under the agreement do not apply uniformly to all parties to the agreement, if such application is consistent with the terms of the agreement.

(b) LIMITATIONS ON TRADE AUTHORITIES PROCEDURES.—

(1) FOR LACK OF NOTICE OR CONSULTATIONS.—

(A) IN GENERAL.—The trade authorities procedures shall not apply to any implementing bill submitted with respect to a trade agreement or trade agreements entered into under section 3(b) if during the 60-day period beginning on the date that one House of Congress agrees to a procedural disapproval resolution for lack of notice or consultations with respect to such trade agreement or agreements, the other House separately agrees to a procedural disapproval resolution with respect to such trade agreement or agreements.

(B) PROCEDURAL DISAPPROVAL RESOLUTION.—(i) For purposes of this paragraph, the term ''procedural disapproval resolution'' means a resolution of either House of Congress, the sole matter after the resolving clause of which is as follows: ''That the President has failed or refused to notify or consult in accordance with the Bipartisan Trade Promotion Authority Act of 2001 on negotiations with respect to _____ and, therefore, the trade authorities procedures under that Act shall not apply to any implementing bill submitted with respect to that trade agreement or agreements.'', with the blank space being filled with a description of the trade agreement or agreements with respect to which the President is considered to have failed or refused to notify or consult.

(ii) For purposes of clause (i), the President has ''failed or refused to notify or consult in accordance with the Bipartisan Trade Promotion Authority Act of 2001'' on negotiations with respect to a trade agreement or trade agreements if—

(I) the President has failed or refused to consult (as the case may be) in accordance with section 4 or 5 with respect to the negotiations, agreement, or agreements;

(II) guidelines under section 7(b) have not been developed or met with respect to the negotiations, agreement, or agreements;

(III) the President has not met with the Congressional Oversight Group pursuant to a request made under section 7(c) with respect to the negotiations, agreement, or agreements; or

(IV) the agreement or agreements fail to make progress in achieving the purposes, policies, priorities, and objectives of this Act.

(2) PROCEDURES FOR CONSIDERING RESOLUTIONS.—(A) Procedural disapproval resolutions—

(i) in the House of Representatives—

(I) may be introduced by any Member of the House;

(II) shall be referred to the Committee on Ways and Means and, in addition, to the Committee on Rules; and

(III) may not be amended by either Committee; and

(ii) in the Senate may be introduced by any Member of the Senate.

(B) The provisions of section 152(d) and (e) of the Trade Act of 1974 (19 U.S.C. 2192(d) and (e)) (relating to the floor consideration of certain resolutions in the House and Senate) apply to a procedural disapproval resolution introduced with respect to a trade agreement if no other procedural disapprovement resolution with respect to that trade agreement has previously been considered under such provisions of section 152 of the Trade Act of 1974 in that House of Congress during that Congress''.

(C) It is not in order for the House of Representatives to consider any procedural disapproval resolution not reported by the Committee on Ways and Means and, in addition, by the Committee on Rules.

(c) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—Subsection (b) of this section and section 3(c) are enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such are deemed a part of the rules of each House, respectively, and such procedures supersede other rules only to the extent that they are inconsistent with such other rules; and

(2) with the full recognition of the constitutional right of either House to change the rules (so far as relating to the procedures of that House) at any time, in the same manner, and to the same extent as any other rule of that House.

SEC. 6. TREATMENT OF CERTAIN TRADE AGREEMENTS FOR WHICH NEGOTIATIONS HAVE ALREADY BEGUN.

(a) CERTAIN AGREEMENTS.—Notwithstanding section 3(b)(2), if an agreement to which section 3(b) applies—

(1) is entered into under the auspices of the World Trade Organization,

(2) is entered into with Chile,

(3) is entered into with Singapore, or

(4) establishes a Free Trade Area for the Americas,

and results from negotiations that were commenced before the date of the enactment of this Act, subsection (b) shall apply.

(b) TREATMENT OF AGREEMENTS.—In the case of any agreement to which subsection (a) applies—

(1) the applicability of the trade authorities procedures to implementing bills shall be determined without regard to the requirements of section 4(a) (relating only to 90 days notice prior to initiating negotiations), and any procedural disapproval resolution under section 5(b)(1)(B) shall not be in order on the basis of a failure or refusal to comply with the provisions of section 4(a); and

(2) the President shall, as soon as feasible after the enactment of this Act—

(A) notify the Congress of the negotiations described in subsection (a), the specific United States objectives in the negotiations, and whether the President is seeking a new agreement or changes to an existing agreement; and

(B) before and after submission of the notice, consult regarding the negotiations with the committees referred to in section 4(a)(2) and the Congressional Oversight Group.

SEC. 7. CONGRESSIONAL OVERSIGHT GROUP.

(a) MEMBERS AND FUNCTIONS.—

(1) IN GENERAL.—By not later than 60 days after the date of the enactment of this Act, and not later than 30 days after the convening of each Congress, the chairman of the Committee on Ways and Means of the House of Representatives and the chairman of the Committee on Finance of the Senate shall convene the Congressional Oversight Group.

(2) MEMBERSHIP FROM THE HOUSE.—In each Congress, the Congressional Oversight Group shall be comprised of the following Members of the House of Representatives:

(A) The chairman and ranking member of the Committee on Ways and Means, and 3 additional members of such Committee (not more than 2 of whom are members of the same political party).

(B) The chairman and ranking member, or their designees, of the committees of the House of Representatives which would have, under the Rules of the House of Representatives, jurisdiction over provisions of law affected by a trade agreement negotiations for which are conducted at any time during that Congress and to which this Act would apply.

(3) MEMBERSHIP FROM THE SENATE.—In each Congress, the Congressional Oversight Group shall also be comprised of the following members of the Senate:

(A) The chairman and ranking Member of the Committee on Finance and 3 additional members of such Committee (not more than 2 of whom are members of the same political party).

(B) The chairman and ranking member, or their designees, of the committees of the Senate which would have, under the Rules of the Senate, jurisdiction over provisions of law affected by a trade agreement negotiations for which are conducted at any time during that Congress and to which this Act would apply.

(4) ACCREDITATION.—Each member of the Congressional Oversight Group described in paragraph (2)(A) and (3)(A) shall be accredited by the United States Trade Representative on behalf of the President as official advisers to the United States delegation in negotiations for any trade agreement to which this Act applies. Each member of the Congressional Oversight Group described in paragraph (2)(B) and (3)(B) shall be accredited by the United States Trade Representative on behalf of the President as official advisers to the United States delegation in the negotiations by reason of which the member is in the Congressional Oversight Group. The Congressional Oversight Group shall consult with and provide advice to the Trade Representative regarding the formulation of specific objectives, negotiating strategies and positions, the development of the applicable trade agreement, and compliance and enforcement of the negotiated commitments under the trade agreement.

(5) CHAIR.—The Congressional Oversight Group shall be chaired by the Chairman of the Committee on Ways and Means of the House of Representatives and the Chairman of the Committee on Finance of the Senate.

(b) GUIDELINES.—

(1) PURPOSE AND REVISION.—The United States Trade Representative, in consultation with the chairmen and ranking minority members of the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate—

(A) shall, within 120 days after the date of the enactment of this Act, develop written guidelines to facilitate the useful and timely exchange of information between the Trade Representative and the Congressional Oversight Group established under this section; and

(B) may make such revisions to the guidelines as may be necessary from time to time.

(2) CONTENT.—The guidelines developed under paragraph (1) shall provide for, among other things—

(A) regular, detailed briefings of the Congressional Oversight Group regarding negotiating objectives, including the promotion of certain priorities referred to in section 2(c), and positions and the status of the applicable negotiations, beginning as soon as practicable after the Congressional Oversight Group is convened, with more frequent briefings as trade negotiations enter the final stage;

(B) access by members of the Congressional Oversight Group, and staff with proper security clearances, to pertinent documents relating to the negotiations, including classified materials;

(C) the closest practicable coordination between the Trade Representative and the Congressional Oversight Group at all critical periods during the negotiations, including at negotiation sites; and

(D) after the applicable trade agreement is concluded, consultation regarding ongoing compliance and enforcement of negotiated commitments under the trade agreement.

(c) REQUEST FOR MEETING.—Upon the request of a majority of the Congressional Oversight Group, the President shall meet with the Congressional Oversight Group before initiating negotiations with respect to a trade agreement, or at any other time concerning the negotiations.

SEC. 8. ADDITIONAL IMPLEMENTATION AND ENFORCEMENT REQUIREMENTS.

(a) IN GENERAL.—At the time the President submits to the Congress the final text of an agreement pursuant to section 5(a)(1)(C), the President shall also submit a plan for implementing and enforcing the agreement. The implementation and enforcement plan shall include the following:

(1) BORDER PERSONNEL REQUIREMENTS.—A description of additional personnel required at border entry points, including a list of additional customs and agricultural inspectors.

(2) AGENCY STAFFING REQUIREMENTS.—A description of additional personnel required by Federal agencies responsible for monitoring and implementing the trade agreement, including personnel required by the Office of the United States Trade Representative, the Department of Commerce, the Department of Agriculture (including additional personnel required to implement sanitary and phytosanitary measures in order to obtain market access for United States exports), the Department of the Treasury, and such other agencies as may be necessary.

(3) CUSTOMS INFRASTRUCTURE REQUIREMENTS.—A description of the additional equipment and facilities needed by the United States Customs Service.

(4) IMPACT ON STATE AND LOCAL GOVERNMENTS.—A description of the impact the trade agreement will have on State and local governments as a result of increases in trade.

(5) COST ANALYSIS.—An analysis of the costs associated with each of the items listed in paragraphs (1) through (4).

(b) BUDGET SUBMISSION.—The President shall include a request for the resources necessary to support the plan described in subsection (a) in the first budget that the President submits to the Congress after the submission of the plan.

SEC. 9. COMMITTEE STAFF.

The grant of trade promotion authority under this Act is likely to increase the activities of the primary committees of jurisdiction in the area of international trade. In addition, the creation of the Congressional Oversight Group under section 7 will increase the participation of a broader number of Members of Congress in the formulation of United States trade policy and oversight of the international trade agenda for the United States. The primary committees of jurisdiction should have adequate staff to accommodate these increases in activities.

SEC. 10. CONFORMING AMENDMENTS.

(a) IN GENERAL.—Title I of the Trade Act of 1974 (19 U.S.C. 2111 et seq.) is amended as follows:

(1) IMPLEMENTING BILL.—

(A) Section 151(b)(1) (19 U.S.C. 2191(b)(1)) is amended by striking ''section 1103(a)(1) of the Omnibus Trade and Competitiveness Act of 1988, or section 282 of the Uruguay Round Agreements Act'' and inserting ''section 282 of the Uruguay Round Agreements Act, or section 5(a)(1) of the Bipartisan Trade Promotion Authority Act of 2001''.

(B) Section 151(c)(1) (19 U.S.C. 2191(c)(1)) is amended by striking ''or section 282 of the Uruguay Round Agreements Act'' and inserting '', section 282 of the Uruguay Round Agreements Act, or section 5(a)(1) of the Bipartisan Trade Promotion Authority Act of 2001''.

(2) ADVICE FROM INTERNATIONAL TRADE COMMISSION.—Section 131 (19 U.S.C. 2151) is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking ''section 123 of this Act or section 1102 (a) or (c) of the Omnibus Trade and Competitiveness Act of 1988,'' and inserting ''section 123 of this Act or section 3(a) or (b) of the Bipartisan Trade Promotion Authority Act of 2001,''; and

(ii) in paragraph (2), by striking ''section 1102 (b) or (c) of the Omnibus Trade and Competitiveness Act of 1988'' and inserting ''section 3(b) of the Bipartisan Trade Promotion Authority Act of 2001'';

(B) in subsection (b), by striking ''section 1102(a)(3)(A)'' and inserting ''section 3(a)(3)(A) of the Bipartisan Trade Promotion Authority Act of 2001''; and

(C) in subsection (c), by striking ''section 1102 of the Omnibus Trade and Competitiveness Act of 1988,'' and inserting ''section 3 of the Bipartisan Trade Promotion Authority Act of 2001,''.

(3) HEARINGS AND ADVICE.—Sections 132, 133(a), and 134(a) (19 U.S.C. 2152, 2153(a), and 2154(a)) are each amended by striking ''section 1102 of the Omnibus Trade and Competitiveness Act of 1988,'' each place it appears and inserting ''section 3 of the Bipartisan Trade Promotion Authority Act of 2001,''.

(4) PREREQUISITES FOR OFFERS.—Section 134(b) (19 U.S.C. 2154(b)) is amended by striking ''section 1102 of the Omnibus Trade and Competitiveness Act of 1988'' and inserting ''section 3 of the Bipartisan Trade Promotion Authority Act of 2001''.

(5) ADVICE FROM PRIVATE AND PUBLIC SECTORS.—Section 135 (19 U.S.C. 2155) is amended—

(A) in subsection (a)(1)(A), by striking ''section 1102 of the Omnibus Trade and Competitiveness Act of 1988'' and inserting ''section 3 of the Bipartisan Trade Promotion Authority Act of 2001'';

(B) in subsection (e)(1)—

(i) by striking ''section 1102 of the Omnibus Trade and Competitiveness Act of 1988'' each place it appears and inserting ''section 3 of the Bipartisan Trade Promotion Authority Act of 2001''; and

(ii) by striking ''section 1103(a)(1)(A) of such Act of 1988'' and inserting ''section 5(a)(1)(A) of the Bipartisan Trade Promotion Authority Act of 2001''; and

(C) in subsection (e)(2), by striking ''section 1101 of the Omnibus Trade and Competitiveness Act of 1988'' and inserting ''section 2 of the Bipartisan Trade Promotion Authority Act of 2001''.

(6) TRANSMISSION OF AGREEMENTS TO CONGRESS.—Section 162(a) (19 U.S.C. 2212(a)) is amended by striking ''or under section 1102 of the Omnibus Trade and Competitiveness Act of 1988'' and inserting ''or under section 3 of the Bipartisan Trade Promotion Authority Act of 2001''.

(b) APPLICATION OF CERTAIN PROVISIONS.—For purposes of applying sections 125, 126, and 127 of the Trade Act of 1974 (19 U.S.C. 2135, 2136(a), and 2137)—

(1) any trade agreement entered into under section 3 shall be treated as an agreement entered into under section 101 or 102, as appropriate, of the Trade Act of 1974 (19 U.S.C. 2111 or 2112); and

(2) any proclamation or Executive order issued pursuant to a trade agreement entered into under section 3 shall be treated as a proclamation or Executive order issued pursuant to a trade agreement entered into under section 102 of the Trade Act of 1974.

SEC. 11. DEFINITIONS.

In this Act:

(1) AGREEMENT ON AGRICULTURE.—The term ''Agreement on Agriculture'' means the agreement referred to in section 101(d)(2) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(2)).

(2) CORE LABOR STANDARDS.—The term ''core labor standards'' means—

(A) the right of association;

(B) the right to organize and bargain collectively;

(C) a prohibition on the use of any form of forced or compulsory labor;

(D) a minimum age for the employment of children; and

(E) acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health.

(3) GATT 1994.—The term ''GATT 1994'' has the meaning given that term in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501).

(4) ILO.—The term ''ILO'' means the International Labor Organization.

(5) UNITED STATES PERSON.—The term ''United States person'' means—

(A) a United States citizen;

(B) a partnership, corporation, or other legal entity organized under the laws of the United States; and

(C) a partnership, corporation, or other legal entity that is organized under the laws of a foreign country and is controlled by entities described in subparagraph (B) or United States citizens, or both.

(6) URUGUAY ROUND AGREEMENTS.—The term ''Uruguay Round Agreements'' has the meaning given that term in section 2(7) of the Uruguay Round Agreements Act (19 U.S.C. 3501(7)).

(7) WORLD TRADE ORGANIZATION; WTO.—The terms ''World Trade Organization'' and ''WTO'' mean the organization established pursuant to the WTO Agreement.

(8) WTO AGREEMENT.—The term ''WTO Agreement'' means the Agreement Establishing the World Trade Organization entered into on April 15, 1994.

The SPEAKER pro tempore. The gentleman from California (Mr. THOMAS) and the gentleman from New York (Mr. RANGEL) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Any bill of this magnitude that comes to the floor will always have a history of would have, could have, should have; but what is more difficult about this bill than most is that my colleagues on the other side of the aisle have been forced to diminish the contribution from my colleague, the gentleman from California (Mr. DOOLEY), the very brave and knowledgeable members of the Committee on Ways and Means, the gentleman from Tennessee (Mr. TANNER), and the gentleman from Louisiana (Mr. JEFFERSON).

Both the gentleman from Tennessee (Mr. TANNER) and the gentleman from Louisiana (Mr. JEFFERSON) are members of the Subcommittee on Trade of the Committee on Ways and Means, that subcommittee that deals on an ongoing, everyday basis with this issue. They are among the most knowledgeable in the House. But because some of my friends on the other side are so driven to deny the President the use of this legislative tool, that somehow the fact that the gentleman from Michigan (Mr. LEVIN), working with the gentleman from Nebraska (Mr. BEREUTER), someone who is not on the Committee on Ways and Means, is to be held up as

an example of the way we should operate, but when members of the Committee on Ways and Means get together to work on this problem, that is a model to blast, to argue it is not bipartisan, to argue the product is not any good and whether they mean to or not.

I took this time at the beginning, regardless of what the vote is at the end, to thank the gentleman from California (Mr. DOOLEY), to thank the gentleman from Tennessee (Mr. JEFFERSON), to thank the gentleman from Louisiana (Mr. TANNER), and to thank their staffs. For almost 5 months we have worked on what was said to be an impossible project, to resolve the differences that drove us not to provide this power to the President previously. I voted for that. I will vote it for any President, but to trash my colleagues who are powerful enough in terms of their belief that something needed to be done, for my colleagues to carry the day by defeating this is unworthy of any Member.

Attack me, I understand it. I am one of the targets and the symbols; but do not, do not, do not derogate the contribution of those Democrats who were strong enough and who believed enough in this to work together in an intellectually honest way, to produce a product that ironically is better than any product that has ever been brought to this floor in a number of ways, which we will talk about.

Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I ask unanimous consent to yield 4 minutes to the gentleman from Louisiana (Mr. JEFFERSON) to allocate as he sees fit.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. MATSUI), a senior member, one who has worked so hard on the alternative to the majority bill.

Mr. MATSUI. Mr. Speaker, I thank the gentleman from New York (Mr. RANGEL), the ranking Democrat member of the committee, for yielding me the time.

Let me just say this. I am holding in my hands two volumes. These are pieces of legislation that was passed in 1994. It was to implement the Uruguay Rounds and basically put in place the World Trade Organization. I do not say this as somebody who actually produced this legislation along with my colleague the gentleman from Illinois (Mr. CRANE).

I have been a free trader for the last 23 years, since I have been in the United States Congress. I show my colleagues these documents, mainly because we took an up or down vote in 1994, after about 5 hours of debate, and passed this legislation, 5,000 pages.

The Uruguay Round, which passed 7 years ago, was basically about reducing tariffs and eliminating quotas. We had a little about intellectual property, but it was basically about tariffs and quotas.

This next round, the round that we just witnessed in Doha, the beginning of, will be a round in which we not only talk about tariffs and quotas, which will be a small part of it, but it will be about antitrust laws. It will be about food safety laws. It will be about changes in hundreds of government regulations in the United States.

The United States Trade Representative will be able to go through the back door, through the World Trade Organization, and make major changes in domestic regulations and domestic laws; and if my colleagues think these volumes are big, wait till we see 4 or 5 years from now when these negotiations are continued. We will see a volume four or five times larger than this, and we will have 4 hours of debate on the floor of the House, and we have to vote yes or no; and I will guarantee my colleagues they will not know for 2 or 3 years what will be in this legislation.

We might find that there will be a situation where basically we will be making major changes in antitrust laws, and we will not even know whether the consumer will be protected. This is why the legislation should go down, and we should review it again.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

What we will hear from the other side all day is would have, could have, should have. Would have, could have, should have; would have, could have, should have; would have, could have, should have.

At some point my colleagues have to decide whether or not the President needs this power. It is going to have to be done in a bipartisan way, and we have a bipartisan product in front of us.

Mr. Speaker, I place in the RECORD the ''Statement of Administration Policy,'' which begins: ''The Administration strongly supports H.R. 3005.''

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,

Washington, DC, December 5, 2001.

STATEMENT OF ADMINISTRATION POLICY

H.R. 3005—BIPARTISAN TRADE PROMOTION AUTHORITY ACT OF 2001

(REP. THOMAS (R) CA AND 5 COSPONSORS)

The Administration strongly supports H.R. 3005 and looks forward to working with the Congress to provide the President with the authority and flexibility to secure the greatest possible trade opportunities for America's farmers, workers, producers, and consumers. H.R. 3005 would provide Trade Promotion Authority for the President and would establish special procedures for the consideration of legislation to implement trade agreements.

Trade Promotion Authority (TPA) is about asserting American leadership, strengthening the American economy, and creating American jobs.

A congressional grant of TPA takes on renewed importance with the launch of new global trade negotiations. These negotiations can open markets and provide job creating opportunities for every sector of the American economy. But the President can strike the best deal for American workers and families only with approval of TPA. TPA's enactment will send a powerful signal to our trading partners that the United States is committed to free and open trade.

TPA is also essential to put the United States back at the table to help set the rules of the trading game. Our global influence diminished in recent years as other countries moved ahead while we have been stalled. There are currently more than 130 free trade agreements in the world. The United States is party to only three.

The Bush Administration is committed to consultations with Congress to help ensure that the Administration's negotiating objectives reflect the views of our elected representatives, and that they will have regular opportunities to provide advice throughout the negotiating process. H.R. 3005 deepens the traditional partnership between the Executive branch and the Congress through the creation of a joint Congressional Oversight Group with broad bipartisan representation from all the Committees that have jurisdiction over a part of a trade negotiation.

Without TPA, the United States will fall behind in shaping the rules of globalization, our new momentum for trade will be undercut, and the confidence and growth necessary for economic recovery will be weakened.

Passage of H.R. 3005 will send a strong signal of U.S. leadership in trade liberalization.

What does this package do? Obviously it creates the power to negotiate specific agreements, which will come to us later, without ability to equivocate or disagree. This legislation is the best in terms of agricultural objectives we have ever seen. It is the best in foreign investment we have ever seen. It is the best in electronic commerce we have ever seen. It is the best in intellectual property. It is the best in foreign relations, and for the first time treated equally with trade is labor and the environment. It is the best we have ever seen in a dispute resolution, and it is the most comprehensive oversight and scrutiny ever presented to the Congress. It is more bipartisan, more representative, and more effective in terms of expanding the number of Members who are able to deal with these issues.

In addition to that, after we took the product, put together by my friends that I had mentioned earlier, we then went and talked to additional Members. Through this process of talking to Members, what do they think of this work product, and from their perspective how can it be improved, they said we want to make sure there is not a race to the bottom on the labor and the environmental standards. We did that.

They said we want to make sure that no foreign investors when we go to court have greater rights than any U.S. citizen. Okay. We did that.

They said they want to make sure that if there is foreign currency changes, that it is not foreign currency manipulation for the purpose of getting a trade advantage. We said that is a good idea. It is in the bill.

Members asked for special consideration in terms of import-sensitive products. They have gotten it in three

different locations because clearly they are threatened if they are import sensitive.

Members asked that the administration not reduce textile tariffs when they are negotiating with another country that, as the gentleman from California (Mr. MATSUI) held up in terms of the Uruguay Round, where other countries said they would reduce their tariff and they have not. We said they are right. We are going to make sure that our negotiators do not lower our tariffs when the other country they are negotiating with have higher tariffs.

Members asked for an improved consultation and opportunity to actually withdraw trade promotion authority if the administration failed to consult. In a number of ways, we said, they are right; we will enhance it.

Finally, on the oversight, not just the committee's of jurisdiction, but every committee whose jurisdiction would be affected by the potential legislation, the administration has to come to us at the beginning of the process, during the process, and at the end of the process. They have to satisfy the Members of Congress on transparency and information transfer.

The administration does not determine when they are through. The administration does not determine how much information is to be made available. For the first time in any agreement, it is the Congress that controls how much information the administration has to provide.

In every aspect, this is a better negotiating tool than we have ever seen in the past. It is bipartisan. It is something that the President has said he desperately needs for a number of reasons; and there is no solid, substantial reason that this should not pass today.

Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I ask unanimous consent that we extend the time for debate for 1 hour in view of the fact that the Committee on Rules did not see fit to give the Democrats a substitute, in view of the fact that the gentleman from California (Mr. THOMAS) put this bill together in the middle of the night without a hearing, and we are now finding sometimes for the first time what is in it.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. DREIER. Mr. Speaker, reserving the right to object, and I do plan to object, I am very proud of the way the Committee on Rules has put together this package, and I do not believe that this was done in the middle of the night.

I believe, as I said in my statement during the debate on the rule, we are faced with an up or down vote on whether or not we are going to grant the President this very important Trade Promotion Authority, and I happen to believe that we have been talking about this for a long period of time.

During debate of the Committee on Rules, the gentleman from Ohio (Mr. HALL) said let us move ahead and let us vote.

So, Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

Mr. RANGEL. Mr. Speaker, with deep disappointment, I yield such time as he may consume to the gentleman from California (Mr. GEORGE MILLER).

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in opposition to this legislation.

Ladies and Gentlemen, Trade Promotion Authority is being sold to Americans as a few different things. The Bush Administration has called today's vote an act of patriotism, now more necessary than ever. House Republican leaders, in a suspicious midnight conversion, are now feverishly promising gifts to its critics in return for their support. Well folks, you can wrap this vote up in red, white and blue. You can tie it with a bow and put it under the tree. But either way, this trade bill is neither patriotic nor a gift. It is a dagger into our basic rights and our standard of living.

Americans are being asked to make three sacrifices in exchange for President Bush's trade policy. They are being asked to give up their middle-class lifestyle, their environmental concerns, and their public health. For all those Americans who think that sounds like a raw deal—and they are right—I urge my colleagues to vote a resounding ''no'' on this very bad trade deal.

When NAFTA was passed in 1993, its supporters promised nothing but blue skies for hard-working Americans. Using fast-track authority. President Clinton hurdled the bill through Congress without a truly meaningful debate in Congress on the effects of such a trade agreement. Millions of Americans have paid a high price for that lack of candor eight years ago. A recent report shows that 3 million actual and potential jobs disappeared from the American economy between 1994 and 2000 due to NAFTA and the accelerated trade deficits it caused. In my home State of California, over 300,000 manufacturing jobs—good jobs, well-paying jobs—crossed the border during the last 6 years. The economic surge and booming stock market of the 1990s masked a harsh reality for millions of American workers—for them, NAFTA has meant nothing more than a pink slip.

Despite this, President Bush and others in Congress would expand NAFTA further. If this bill passes, it would allow the Administration to eventually spread NAFTA's misery to over 30 other nations in our hemisphere and further exacerbate job losses in our own country. America's workers had hoped for a different kind of generosity from the American government. After losing their jobs to NAFTA a few years ago, they waited for training programs. In the wake of September 11, they waited for help that instead went to corporations. And they are waiting still, listening to empty promises that TPA will help bring back their jobs.

In the last day, realizing that they are perilously close to losing this vote on fast track, Republican leaders have suddenly become concerned about the needs of America's working men and women. They are now promising more trade adjustment assistance, for example. That would be nice. But their bill does not guarantee more trade adjustment assistance, it just authorizes it. We've been there before. Their bill continue to fail to address the deeper pitfalls that fast track poses for working families.

Fast Track also poses a serious threat to the environment. Frankly, it is insulting to my colleagues and all Americans when fast track proponents claim that their bill includes strong language that adequately addresses environmental concerns. One look at NAFTA shows why we should be terrified at extending current trade rules to future agreements.

Chapter 11, a provision intended to protect multinational corporations from their host states, has been abused by corporations that refuse to be bound by lawfully decided and publicly supported environmental regulations. California was one of the first states to run into the chapter 11 problem when it tried to protect its environment from the harmful effects of MTBE. When California halted the use of the gasoline additive, a Canadian corporation called Methanex sued the United States under NAFTA's chapter 11 for almost one billion dollars because of lost revenue it said it would incur from California's decision to protect its environment. Luckily, however, America remains a democracy where important environmental decisions are reached in a fair, open manner.

Consider this frightening, fast track reality: If foreign companies operating in the U.S. don't want to play by our rules, they get their cases decided before a secret tribunal accountable to no one. This lack of democracy doesn't bother the administration. The environment has become a defendant without rights. Rights are reserved for multi-national corporations.

Like pharmaceutical companies, for example. According to the Bush administration, demanding higher labor standards in our trade agreements is an imposition of values. On the other hand, when we force other countries to rigidly adhere to our own intellectual property laws, this is sound policy. A principal negotiating objective in this bill is to achieve the elimination of, ''price controls and reference pricing which deny full market access for United States products''. I don't think such a narrow-minded, market-driven approach is justifiable in the face of an HIV/AIDS pandemic that has decimated much of Africa.

Since the horrible events of September 11, public health experts have warned that our country must reduce its vulnerability to potential biological and chemical terrorism. The American Public Health Association doesn't support this bill because it represents a risk to the safety of America's food supply.

Let me quote Dr. Mohammad Akhter, Executive Director of the American Public Health Association:

> With our system of imported food safety so flimsy, the last thing we need is an executive mandate for more porous borders.

Executive mandate is exactly what this bill is. It stomps on the constitutional authority granted to Congress over international commerce. On these grounds alone, this bill is unconstitutional. But add to that criticism the hostility that this bill shows toward labor rights, environmental protection and public health, and you have a bill that is indefensible and should be voted down here today. A vote against fast track is a vote to defend the rights

and liberties that we hold so dear. It is a vote to support working men and women in America. It is a vote to protect our environment, our public health and our values.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. NEAL), a member of the Committee on Ways and Means.

(Mr. NEAL of Massachusetts asked and was given permission to revise and extend his remarks.)

Mr. NEAL of Massachusetts. Mr. Speaker, the gentleman from California (Mr. THOMAS) said, ''would have, could have and should have.'' Let us add another part of that, ''want to,'' because as a free trader here I strongly urge my colleagues today to vote against this particular version of Fast Track Authority. The bill, put together by the gentleman from New York (Mr. RANGEL) and the gentleman from Michigan (Mr. LEVIN) is far superior, and I hope that that version will pass by the end of the hour we have to debate.

While being more modern perhaps than their previous offerings, the Republican bill still fails to give adequate voice to the new realities of trade negotiations, that decisions made impact our constituents in many more ways than they used to, because the negotiations no longer simply attempt to lower tariffs or to reduce direct restraints on trade.

Hence, the goals the United States should pursue need to be more clearly articulated in any legislation, the issues that we do not always see at the surface in Fast Track Authority. The role of Congress needs to be far more extensive in order to bring about a successful conclusion.

These new realities are knitted together in a far more comprehensive manner by the Rangel-Levin version of Fast Track Authority than the Republicans have proposed. We all would be better off in the long run by a decision to negotiate, in a meaningful way, bipartisan legislation rather than forcing this through this afternoon.

□ 1400

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 3 minutes to the gentleman from Illinois (Mr. CRANE), the chairman of the Subcommittee on Trade of the Committee on Ways and Means.

Mr. CRANE. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in strong support of H.R. 3005.

This bill is about arming the President and his team with the authority to achieve trade agreements written in the best interest of U.S. farmers, companies, and workers. It ensures that the President will negotiate according to clearly defined goals and objectives written by Congress.

Trade is fundamental to our relations with other nations. As the President strives to neutralize international threats to our security, TPA is an essential tool for him to have to use in the campaign to build coalitions around the world that work with us to guard freedom.

H.R. 3005 strikes a two-way partnership between the President and Congress on our common objectives for international trade negotiations in which the United States participates. Its passage will ensure that the world knows that Americans speak with one voice on issues vital to our economic security.

My colleagues know I am not one who is enthusiastic about putting labor and environmental matters on the trade agenda, and my original TPA bill, H.R. 2149, which had 100 cosponsors, was completely clean in this respect. But to protect our country's interests internationally, I acknowledged the necessity of forging a meeting of minds on these sensitive issues with our colleagues on the other side of the aisle. The final result of difficult compromises over 5 months is the bill before us today.

TPA simply offers the opportunity for us to negotiate from a position of strength, and does not in any way constitute final approval of any trade agreement. Under this bill, Congress and the American people retain full authority to approve or disapprove any trade agreement at the time the President presents it to Congress.

While we have delayed these last 7 years to pass TPA, other countries have accelerated their claims to new markets. The U.S. is the world's greatest exporter, sending almost $1 trillion worth of goods and services to foreign consumers. Expanding trade remains the linchpin of any successful strategy to increase long-term noninflationary economic growth.

In my home State of Illinois, over 400,000 jobs are tied directly to exports. These jobs are more secure and pay over 15 percent more than nontrade-related jobs. According to a study by the National Association of Manufacturers, companies that manufacture for export are almost 10 percent less likely to go out of business than others. These firms pay better benefits. In Illinois, these good, high paying, trade-related jobs are often in the machinery, agriculture, information technology, and chemical sectors. These are the types of jobs that will not be created if we reject the opportunities of the international marketplace by voting no on H.R. 3005.

In these times of economic dislocation, we cannot afford to deny President Bush a primary tool of economic growth. Americans have never been reluctant to compete head to head with our trading partners. We should not dash the best chance we have of creating a better future of dynamic economic growth and success for our workers, businesses, and farmers in international markets.

I urge a ''yes'' vote on H.R. 3005.

Mr. RANGEL. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. SAWYER).

(Mr. SAWYER asked and was given permission to revise and extend his remarks.)

Mr. SAWYER. Mr. Speaker, I rise in opposition to the measure before us, confident that we can do better.

Mr. Speaker, I bring credentials to this discussion.

I have supported trade initiatives since I came to Congress. And I continue to believe that Presidential trade negotiating authority is an important tool. But it must be the right kind of authority, suited to our time. And the bill before us does not provide that.

Trade negotiations have moved far beyond the issue of tariffs. These negotiations now affect our nation's tax laws, intellectual property standards, insurance system, and agricultural programs. These are issues that would not have occurred to Congress when we launched GATT after World War II. Our trade laws must change with the times. The volume and content of international trade has expanded enormously in the past decade. And the scope of trade agreements has expanded well beyond the jurisdiction of the Committee on Ways and Means in the last quarter century. Trade affects all of our constituents on a daily basis, and we must strengthen our responsibility to speak for them.

Congress must now expand its capacity to engage negotiators over the often long and complex course of modern trade agreements. We need an expanded, independently informed, and active set of Congressional advisers. And if the President's negotiators are obviously not fulfilling their stated objectives, Members must have an opportunity to vote on a resolution of disapproval that does not have to be passed first by the Ways and Means Committee. Congress must have an integral role, more than just more vague promises from the Administration to consult with us. If the consultations, or rather lack of them, that bring us to this juncture today are an example of what our colleagues have in mind, it is an empty promise indeed. Giving Congress real participatory oversight of the negotiations is the best way to build Congressional support for the agreements that are ultimately reached.

It is simply not true to say that opponents of the Thomas bill are opponents of free trade. That statement ignores the honest effort led by Mr. Rangel to craft a bill that will accomplish the objective of promoting trade without sacrificing our capacity to continue to work towards basic environmental and labor standards.

A vote against today's bill is not an attempt to hold free trade hostage until the rest of the world matches our labor standards. The Rangel alternative expects nothing of the sort. A vote against the bill is a vote to go back to work on legislation that will engage our partners in a real dialogue. We must ensure, at a minimum, that countries do not weaken their labor and environment laws to attract investment. It is a vote to go back to work on a bill that will create the relationship that should naturally exist between the World Trade Organization and the International Labor Organization. It is a vote to ensure that the rules we set up do not give foreign investors greater rights in America than Americans themselves enjoy.

I look to the future, and I know we can build a bipartisan consensus for trade promotion authority. That is crucial because any trade negotiating framework must have the confidence

of more than a narrow, partisan majority in order to command real respect for trade agreements that flow from it. The bill before us today, regrettably, does not do that. We can do better.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. CARDIN), a distinguished member of the Committee on Ways and Means.

Mr. CARDIN. Mr. Speaker, I support granting the President Trade Promotion Authority, but I oppose the bill we are considering today. I have supported fast track authority for NAFTA, for GATT, I supported PNTR, but I oppose this bill.

The reason I oppose it is that the landscape for trade legislation has changed, yet our delegation of authority to our President has not. Let me just cite one example.

We talk about putting in our authority that we expect to make progress on labor standards by enforcing one's own laws. Yet when we accomplished that for Jordan, the first thing we did was to weaken our ability to enforce those standards.

Let us take a look at antidumping laws. We passed legislation in this body that said we would not weaken our antidumping and countervailing duty laws. Yet in Doha we put that on the table for negotiations. So at least we would think that this underlying bill would make a principal objective of trade that we do not weaken our own laws in this regard. But, no, we put it as a third priority. What message is that to our trading partners? We can do better.

Support the motion to recommit with the Rangel bill, then we really will give the right authority to the President. I urge rejecting the underlying bill and supporting the motion to recommit.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 1 minute to the gentleman from California (Mr. HERGER), a member of the Committee on Ways and Means.

Mr. HERGER. Mr. Speaker, this is without a doubt one of the most important votes any of us will cast this Congress. Today we are deciding whether or not we will give American workers and American companies the support they need to open international markets.

Nowhere is trade more important than on the farm. Last year, more than $140 million worth of dried plums, $600 million worth of almonds, were exported from the State of California, much of it from my northern California district. California exports 80 percent of its cotton, 70 percent of its almonds, and 40 percent of its rice, yet our farmers face an average tariff rate of 62 percent. These barriers will never be eliminated until we give the President Trade Promotion Authority.

I strongly urge my colleagues to support TPA.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield an additional 2 minutes to the gentleman from Louisiana (Mr. JEFFERSON.)

The SPEAKER pro tempore (Mr. LAHOOD). Without objection, the gentleman from Louisiana will control 2 additional minutes.

Mr. JEFFERSON. Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. MORAN).

Mr. THOMAS. Mr. Speaker, I yield 30 seconds to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I want to address myself particularly to the Democratic side of the aisle, not necessarily to all of the Democratic Caucus, because I understand that many of us are in districts that have high concentrations of organized labor, have high concentrations of textiles and other industries that could be adversely affected by trade. But I know that there are at least 60 Members who represent districts that are highly dependent upon trade, that in fact represent the highest economic growth sectors of this economy; technology, telecommunications, professional services products throughout the manufacturing sector benefit from international trade.

All of our constituents benefit by lower prices in products and services as a result of trade. In fact, all of us have constituents whose incomes are 15 percent greater because they are in export-related jobs.

The reality is that this bill in fact, is bipartisan, and nobody outside the boundaries of the Beltway cares about personalities or process. They look at policy. From a policy standpoint, we have enforceable standards on labor and the environment. We have the availability of the use of sanctions for all such negotiating objectives. We have transparency in all commercial transactions.

This is the most substantial progress in U.S. trade policy with respect to labor and the environment that we have ever had the opportunity to vote for. This is a good bill. It is one we should all support. I urge its approval.

Mr. JEFFERSON. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. DICKS).

(Mr. DICKS asked and was given permission to revise and extend his remarks.)

Mr. DICKS. Mr. Speaker, I rise in strong support of the Trade Promotion Authority Act of 2001. This is outstanding legislation.

Mr. Speaker, H.R. 3005 is legislation that will grant to the President Fast Track negotiating authority for certain trade agreements. I am convinced, Mr. Speaker, that this authority is necessary to ensure that the United States remains a global leader on free trade, and to enable this President and future Presidents to continue to work to open foreign markets to American goods.

Clearly in today's global economy, our Nation has a major interest in reducing barriers to international trade, with more and more American jobs dependent upon our ability to market our goods and services to overseas customers. And certainly in my State of Washington, which is the most trade-dependent in the Nation, our ability to trade freely with foreign nations sustains an enormous portion of our economy. In Washington, we exported more than $33 billion in goods each year, estimated to sustain more than 1 million jobs. The Puget Sound area of our State was recently described as the most export-dependent U.S. metropolitan area. So this is an issue that relates very much to the creation of new jobs in our region, and certainly it plays a major role in the national economy as well, helping to improve our balance of trade and provide jobs for American workers in the 21st century.

And these are good jobs. These are not low wage service jobs that have been generated from the growth of international trade in my State. They are family-wage jobs that pay substantially greater than the national average. We are talking about thousands of union machinists making airplanes at the Boeing Company, about software developers at Microsoft, mill workers who fabricate aluminum at Kaiser, chipmakers at Intel, and workers at Weyerhauser who produce lumber wood products.

Trade is not just important to large businesses and big corporations. In my state, there are many more small businesses than big ones that owe their income to international trade.

There are many small companies that supply machine and airplane parts that go into the aircraft that we sell overseas, thousands of farmers that grow apples and wheat, and countless small, family-owned mills that process timber and sell the products in Asian and other overseas markets. And there are jobs that are sustained by these exporters: Bankers, teachers, restaurant workers, plumbers, lawyers and countless others.

The economic recession has had a severe impact on the State of Washington. The end of the high technology boom and the effect that the attacks on September 11 have had on the aircraft industry has been devastating. Currently, we are suffering the highest unemployment rate in the Nation—6.6 percent.

My highest priority as a Member of Congress has always been jobs. Increasing our trade and exports with other countries means jobs for Americans and jobs for people in Washington State. In my judgment, the fastest way out of this recession is to tear down the barriers other nations have put up against American goods and services, enabling our manufacturers and other businesses to access new markets. I believe in the ability of our workers and businesses to compete against anybody and win.

Some of my colleagues claim that Trade Promotion Authority is not needed; that the President can already conduct trade negotiations without expedited authority granted by Congress. This is true, the President can negotiate an agreement with other nations. However, what we have found since Fast Track authority lapsed in 1994 is that other nations are unwilling to negotiate with us knowing that any agreement reached with the administration would likely be changed by Congress without consultation or consideration of the views of the other party to the agreement. This is why President Clinton strongly urged Congress to extend Fast Track authority several years ago.

We are falling behind. Of the more than 130 free trade agreements in the world today, the United States is a party to only three. The European Union, by contrast, is a party to more than 27. Because they cannot negotiate a fair deal with the United States, other countries are choosing to buy European-made manufactured goods and agricultural commodities, putting our factory workers and farmers at a distinct disadvantage.

I urge my colleagues to consider very seriously how a vote against this bill will affect our nation's ability to compete in the global marketplace. I also ask that you think about how important this bill is to enable our economic recovery. For both of these reasons, I encourage my colleagues to join me in support of H.R. 3005.

Mr. THOMAS. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. SHAW), a member of the Committee on Ways and Means.

Mr. SHAW. Mr. Speaker, I thank the chairman for yielding me this time.

Mr. Speaker, ''Made in the USA'' is a badge of pride. It is a symbol of quality. It is a symbol of good workmanship. It is not a symbol of protectionism. The greatest, largest economy in the world cannot be afraid of free trade. The most free country, the strongest country in the world, cannot be afraid to give to their President the same authority that every other President and Prime Minister in this world has today.

Let us give this authority to the President. We are not voting on a treaty. We are simply voting on the authority of the President to go forward. The rest of the world is going towards free trade. We are going to lose markets to the countries that have free trade. Let us support this bill. It is very important to give the President this authority.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Speaker, I thank my colleague for yielding me this time, and I rise reluctantly in opposition to H.R. 3005 today.

I say reluctantly, because I believe in trade, the necessity for it to achieve economic growth and expanded opportunities for all of our workers, I believe the President needs this authority, and I have supported all trade agreements in Congress since I have been here; this debate today, however, is not about being for trade or against trade, it is about establishing the rules of trade in the 21st century.

The world is very different than it has been in the past when trade negotiations were, by and large, about reducing trade barriers, quotas, and tariffs. There are many more complex and evolving issues involving trade: labor and environmental standards, antitrust, health and safety standards, privacy standards. The major issue for trade in the 21st century will be the harmonization of these different standards. And the question is do we harmonize upwards or downwards? Do we improve standards around the globe or is it a race to the bottom?

That is why I, along with the gentleman from California (Mr. MATSUI), believe there needs to be a greater institutional role for Congress to have consistent with our Article I, section 8 responsibilities in the Constitution. But I resent the fact that many of us have had to come begging in the 11th hour to get the majority party and the administration to do right by American workers today with an adequate worker relief package which is the right thing to do anyway. That should not occur. It should have been dealt with months ago, but instead it came to this. Trade policy should not be partisan or personality driven. Let's instead do it right.

So unfortunately I rise in opposition and encourage support for the motion to recommit.

As our Nation leads the world into the 21st century, we should not shy from opportunities to guide and expand global trade. Opening up foreign markets to American goods not only provides economic growth potential, but also exposes American ideals to people around the globe. I cannot, however, support the majority's trade authority legislation because it does little service to real problems facing this Nation, refuses to guide trade negotiations in a positive way, and unnecessarily maintains a weak constitutional role for Congress in regulating international commerce, which is our obligation under article 1, section 8 of the Constitution.

In a world fused by global integration and communication, international trade has become a linchpin of not only our national economy, but also the economies of most nations. We must remember that today's vote, however, is not about promoting or suppressing trade between the United States and other nations. This vote is about how our Federal Government goes about the process of regulating commerce between nations.

Our Founding Fathers deliberately put Congress in control of regulating commerce with foreign nations. With the impact of tariffs and duties directly affecting their diverse constituencies, Members have a responsibility to weigh in on the regional impacts of these mechanisms. Today's trade environment is constantly changing, with nontariff trade issues impacting all aspects of our economy and law. Issues including antitrust law, intellectual property, and pharmaceutical costs, along with concerns over regulatory harmonization, require intense negotiations at a new level. Nonetheless, the role of Congress should not be ignored as it is in H.R. 3005, but reestablished in recognition of these new challenges. To this end, I encourage my colleagues to consider the establishment of a Congressional Trade Office that could analyze the implications of trade negotiations, and address the concerns of Congress. Such an office would also be able to provide all Members, not just certain committee leaders, with information on the range of issues facing each region in a nonpartisan, objective fashion.

In formulating a trade authority bill that will help establish how America engages the rest of the world in the 21st century, I had hoped this Congress would seize the opportunity to move toward positive, fundamental changes in world trade agreements. Unfortunately, by forcing a partisan trade bill, the House leadership dismissed this opportunity, effectively limiting our Nation's ability to advance international labor, health, safety, and environmental standards, as well as improve transparency in international organizations.

Developing trade relations between the United States and foreign nations is often mutually beneficial on economic, societal, and political fronts. We cannot, however, ignore that with such engagement, competition increases and can result in winners and losers.

In my home town of La Crosse, WI, Isola Laminate Systems recently laid off 190 skilled workers due in part to a worsening economy, but also due to government trade policies relating to textiles. These laid off workers should have every opportunity to receive adequate benefits, including health and training, through Trade Adjustment Assistance. While the majority has thrown a bone to workers in regard to increased TAA assistance, the shortcomings of TAA have not been resolved.

Moreover, it is important that any real Trade Adjustment Assistance reform provide benefits to our Nation's agricultural producers. America's family farmers are impacted by our trade agreements through markets being both gained and lost. Unfortunately, agricultural producers are not currently eligible for trade adjustment assistance even though family farms are going out of business at record levels. Providing income assistance and job employment skills should be as important for America's farmers as it is for our Nation's industrial workers.

As recent reports have indicated, our Nation's economy has been in recession since March 2001. In combination with immediate and long-term economic losses associated with the terrorist attacks of September 11, the economy's downturn has resulted in faltered businesses and laid-off workers. In response, Congress has done little to come to the aid of displaced workers throughout the country, despite demands by Members and promises from the House leadership. In an effort to push unemployment legislation I, along with some of my colleagues, sent a letter on October 24, 2001 to the majority leadership stating our refusal to support Trade Promotion Authority unless displaced worker aide is addressed beforehand. The 11th hour promise to recommend action on unemployment benefits for our Nation's affected workers is not concrete, not encouraging, and not enough.

As a supporter of increased trade opportunity, I consider this vote very important. H.R. 3005 as it currently stands, however, does not provide assurances that the concerns of western Wisconsin residents will be adequately addressed in future trade negotiations. If Congress is going to cede some of its authority over the regulation of commerce with foreign nations, such a proposal should be based on deliberate policy and not partisan politics. The failure of the House leadership to come to the negotiating table and work in a bipartisan manner on this important issue is shameful. I strongly encourage my colleagues to pass the motion to recommit and include language from the Rangel-Levin-Matsui Comprehensive Trade Negotiating Authority Act, which more accurately addresses the issues of international labor and environmental concerns, and strengthens the critical role Congress should play formulating trade.

Mr. JEFFERSON. Mr. Speaker, I yield 1 minute to the gentleman from

Texas (Mr. STENHOLM), the ranking member of the Committee on Agriculture.

(Mr. STENHOLM asked and was given permission to revise and extend his remarks.)

Mr. STENHOLM. Mr. Speaker, I rise in support of Trade Promotion Authority and the bill before us today. The truth about trade is that there always are both successes and failures, winners and losers. But for our Nation as a whole, the indisputable fact is trade is a net positive.

When it comes to agriculture, the successes have outweighed the failures. American farmers and ranchers now make a quarter of our sales to overseas markets. Next year, agriculture exports are expected to exceed $54.5 billion, making a net trade surplus of $14.5 billion. That is just a fraction of what could be possible if we had freer and fairer markets.

For workers who have lost in trade in the past, I sincerely believe that the best and perhaps only way to fix what has failed is through new negotiations that level the playing field. We must speak and act with a united voice and a unified voice that is forged through a close partnership between Congress and the executive branch. That is the vision of the compromise bill before us today.

There is a dear price to be paid for delay. American farmers and ranchers cannot afford for us to stand by and watch the rest of the world unite behind trade. We need to participate. Support this bill today.

Mr. THOMAS. Mr. Speaker, it is my privilege to yield 1 minute to the gentleman from Iowa (Mr. NUSSLE), a member of the Committee on Ways and Means and the chairman of the Committee on the Budget in the House of Representatives.

(Mr. NUSSLE asked and was given permission to revise and extend his remarks.)

Mr. NUSSLE. Mr. Speaker, promoting international trade is essential to our economy and to our ability to secure America's future. Granting the President authority to improve and expand trade agreements is essential to securing America's future. We cannot say that we are for trade if we vote against promoting trade authority for the President.

Let me talk about agriculture. Agriculture would probably be the biggest beneficiary under this agreement and under this legislation. Thirty-five percent of agricultural goods from my district alone are exported. If you walk out into a corn field and count the rows, 1 of every 5 corn rows in Iowa is exported.

But it is not just agriculture. In my district, 217 manufacturers in little old Iowa, in the Second District, export on a regular basis. John Deere, 1 of every 4 green tractors that come off the line is exported overseas. Thirty-five thousand jobs nationwide are export dependent.

Revitalize our economy, create jobs, pass Trade Promotion Authority.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise to support the Rangel-Levin bill and oppose the Thomas bill, which contains provisions favoring the pharmaceutical industry that will make it harder for Americans and our trading partners to get access to affordable medicines.

The Thomas bill will force the Third World's poorest countries to move more quickly to pay the First World's high drug prices in order to treat diseases like AIDS. Unlike the Rangel-Levin bill, the Thomas bill completely ignores the health needs of developing countries.

The Thomas bill directs the elimination of government measures, such as price controls and reference pricing, used by many trading partners, to keep prescription drugs affordable. This is not a proper trade objective, it is a greed objective for the pharmaceutical industry.

□ 1415

By forcing higher drug prices in Canada, it could deprive many American seniors of an inexpensive source of drugs. In the U.S., it could force repeal of the deep discounts available for veterans and those on Medicaid. In the name of free trade, the Thomas bill protects the monopolies of this country's most profitable industry, and hurts the world's poorest disease-ridden countries. Vote down this bill.

Mr. JEFFERSON. Mr. Speaker, I yield 30 seconds to the gentleman from Oklahoma (Mr. CARSON).

Mr. THOMAS. Mr. Speaker, I yield 30 seconds to the gentleman from Oklahoma (Mr. CARSON).

(Mr. CARSON of Oklahoma asked and was given permission to revise and extend his remarks.)

Mr. CARSON of Oklahoma. Mr. Speaker, I thank the gentlemen for yielding me this time.

Mr. Speaker, I rise today as one of the distressingly few Democrats in support of a grant of Trade Promotion Authority to President Bush. My support of TPA springs from the recognition that trade is really part of a larger debate on the proper role of America in the world today. It is a debate that echoes in the halls of the Pentagon and the National Security Council, as well as those of our trade representatives, and that is waged with arguments in Doha but with arms in the Hindu Kush.

Many of my colleagues in the Democratic Party state their belief in free trade, but nonetheless refuse to support TPA unless it includes provisions mandating other nations' compliance with our own environmental and labor standards. Alas, this notion, if enacted, would render TPA a nullity, a mere piece of paper that in the prelude expresses support for trade but which, in the details, mocks that claim. None of the developing nations with which we aspire to negotiate new trade agreements will accept strict labor and environmental provisions.

And equally as important, the best way to improve labor and environmental standards, given many nations' social conditions, is to increase the wealth of the developing world, which trade will do, while also increasing our own wealth. It is a no-lose proposition.

To reject TPA is, in the end, to reject trade itself, which is a disaster for the country and the world, and, for my own party, a refusal to live up to its historic obligation to support free trade.

Mr. Speaker, I rise today as one of the distressingly few Democrats in support of a grant of Trade Promotion Authority to President Bush. My support of TPA springs from the recognition that trade is really part of a larger debate on the proper role of America in the world today. It is a debate that echoes in the halls of the Pentagon and National Security Council, as well as those of our trade representatives, and that is waged with arguments in Doha but with arms in the Hindu Kush.

Since Adam Smith first articulated the case for free trade in the 18th century, economists, no matter whether liberal or conservative, have acknowledged with near-unanimity the merits of trade liberalization. Trade increases wealth for participating countries, ensures access to high-quality products, and guarantees the efficient use of resources. As Smith recognized, it pays for a country to specialize in what it does best, even if that country can do everything better than its trading partners. This is the essence of comparative advantage.

Many of my colleagues in the Democratic Party state their belief in free trade, but nonetheless refuse to support TPA unless it includes provisions mandating other nation's compliance with our own environmental and labor standards. Alas, this notion, if enacted, would render TPA a nullity—a mere piece of paper that, in the prelude, expresses support for trade but which, in the details, mocks that claim. None of the developing nations with which we aspire to negotiate new trade agreements will accept strict labor and environmental provisions. And, equally as important, the best way to improve labor and environmental standards, given many nation's social conditions, is to increase the wealth of the developing world, which trade will do, while also increasing our own wealth. It's no-lose proposition.

It is true that, while the nation tremendously benefits from trade, certain sectors of our economy can be hurt. That is why, as Democrats, we must support and expand Trade Adjustment Assistance, the portability of health insurance benefits, more assistance to the International Labor Organization and other non-governmental organizations that do the heavy lifting on labor and environmental issues, and even wage insurance for displaced workers. But at no cost should we scuttle one of the great achievements of the post-war era: the liberalization of trade. To reject TPA is, in the end, to reject trade itself, which is a disaster for the country and the world, and, for my own party, a refusal to live up to our historic obligation to reach out to the world, bringing prosperity to our own workers and those abroad, too.

Mr. THOMAS. Mr. Speaker, I yield 1 minute to the gentlewoman from Washington (Ms. DUNN).

Ms. DUNN. Mr. Speaker, I represented 700,000 in the suburbs of Seattle and Tacoma. One-third of the jobs held by these people are related to trade. Reducing trade barriers has never been more important in the Puget Sound area. If we do not expand exports and open new markets for Boeing jets and Microsoft software, we lose more jobs in the Northwest. For Boeing workers, TPA means keeping the aircraft industry viable in our community. Over $18 billion worth of aircrafts were exported last year. Traditionally, half of Boeing's aircraft sales are for overseas customers, a trend that will continue in the future.

For our farmers, TPA means that more people will have access to the finest products in the world; 33 percent of Washington State commodities, valued at $1.8 billion go to the international market.

For our high-tech firms, TPA means strengthening intellectual property standards. The software industry loses $12 billion annually due to counterfeiting and piracy. Reducing piracy in China alone could generate $1 billion of revenue for the Northwest.

For women entrepreneurs, women-owned businesses involved in international trade have higher growth rates, develop more innovations, and create more jobs in their communities. Support TPA.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Speaker, I urge a ''no'' vote on the Thomas bill so we can ultimately bring up the Rangel-Levin bill which takes an important step to restore this body's constitutional mandate in trade making so that trade regimes lift all people. Why pass another same-old same-old trade bill that will bring us more lost jobs, more bankrupt farmers with the lowest prices in history with growing trade deficits every single year.

Fast Track procedures simply do not work. This Congress has the ability to write trade agreements that leaves no sector behind, recognizes worker rights, and a clean safe environment for each of the world's citizens. Put a human face on globalization; vote ''no'' on the Thomas bill and let us meet our constitutional obligations in this Chamber to write trade bills that work for everyone.

Mr. JEFFERSON. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. DOOLEY), who has been a real leader in forging a bipartisan effort on this bill.

Mr. THOMAS. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. DOOLEY).

(Mr. DOOLEY of California asked and was given permission to revise and extend his remarks.)

Mr. DOOLEY of California. Mr. Speaker, it was a pleasure to work with the gentleman from Louisiana (Mr. JEFFERSON), the gentleman from California (Mr. THOMAS), the gentleman from Tennessee (Mr. TANNER), and many others in drafting what I believe is a significant step forward in developing Trade Promotion Authority.

Mr. Speaker, why is this important? It is important so the United States can maximize its influence and maximize its leadership internationally. It is important for the United States to demonstrate how we can lead and expand not only economic opportunities for the working people and the businesses in our country, but also demonstrate through this policy of economic engagement, which is embodied in our trade agreements, that we can do more to empower people throughout the world.

When we look at those individuals in the developing world, every dollar in their per capita income that they see improved gives them greater purchasing power; but also with the improvement in their quality of life and their economy, we see the advancement of human rights, of civil liberties, and also the advancement of democracy.

What we are able to do in this Trade Promotion Authority is to ensure that we are not only going to make progress in expanding the economic opportunities; but also for the first time, we are going to be able to provide the ability to see the enhancement of environmental and labor standards internationally through our trade agreements.

What was also important for all of us to realize was that the only way we can again provide that leadership is to ensure that we can get these countries to the negotiating tables. A lot of the alternative proposals that have been offered for Trade Promotion Authority, unfortunately, would result in very few countries being interested to participate in negotiations with the United States.

A failure to pass Trade Promotion Authority will have significant impacts. In the last few weeks we have heard that Brazil and Bolivia would fail to participate in a Free Trade Area to the America agreement without the passage of TPA.

Following the Doha agreement, we have France that made a strong statement that they would not be interested in participating in the next round of negotiations if the United States President did not have TPA. This is important to our economy and workers, and also to the developing world.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. DOGGETT), member of the Committee on Ways and Means.

Mr. DOGGETT. Mr. Speaker, here we have the ''fast'' Fast Track being rammed through Congress, with all amendments and alternatives blocked and 1 hour for 435 Members to debate this bill. When the House Republican leadership acts in such a high-handed manner before the bill is even passed it can hardly be expected to cooperate and collaborate after Fast-Track authority is granted.

As a strong advocate for more international commerce, I have supported trade agreements with China, the Caribbean Basin, Africa, Jordan and most recently, the Andean region. The real issue today is not whether to expand trade, but how. In the Ways and Means Committee I sought unsuccessfully to obtain one simple guarantee: that foreign investors would not be given more rights than American citizens. Foreign investors should not be granted the right to eviscerate our environmental, health, safety and consumer laws, in secret investor tribunals beyond the review of the press, public, and watchdog groups.

I cannot support unlimited authority to negotiate international agreement impacting the environment for an Administration whose environmental record has ranged from indifference to outright hostility. That is why the Sierra Club, Friends of the Earth, the League of Conservation voters and every major environmental group in this country is opposing this legislation. It relegates the role of Congress to little more than preparing a Christmas wish list, hoping that an Executive Santa Claus will deliver. I am not against taking a fast track to more trade; I am against any proposal that does not give the Congress a steering wheel and a brake when the administration takes the wrong track for the environment.

Mr. JEFFERSON. Mr. Speaker, I yield 1 minute to the gentleman from Tennessee (Mr. TANNER), who has been a real partner in this effort.

Mr. THOMAS. Mr. Speaker, I yield 1 minute to the gentleman from Tennessee (Mr. TANNER).

Mr. TANNER. Mr. Speaker, I thank the gentlemen for yielding me this time.

Mr. Speaker, this has been an honest, intellectual exercise in a negotiation to try to do something for this country which desperately needs to be done. The irony of part of this argument today is the very means by which we address child labor, labor and environmental standards of all sorts, is through a vehicle just like we have the vote on today. It is the only way Congress can participate, and it ought to be done. The irony is if we turn it down, what have we done? Nothing. Absolutely nothing, and Congress has no voice at all in what goes on around the world in the area of the world marketplace. That is really pathetic.

The other thing I would like to say, if Members believe, as I think everyone has to, that we can grow more food in this country than we can consume, that we can make more products and stuff than we can sell and buy from one another, then it is an economic fact of life, not a political argument, that those engaged in surplus production are going to lose their jobs. That is not

a political argument; that is an economic fact.

How do we save those jobs, how do we create new jobs, is by exports so that people in this country can work to make, as an earlier speaker said, tractors in Iowa to send to the rest of the world. That is what this is about: jobs in this country.

Mr. Speaker, if we turn this down, we are going to wait awhile, 1, 2, 3 years, I will tell Members what is going to happen. Maybe 4, 5 years from now we are going to wake up and the economic partnerships which have been created between the Asians, the South Americans and the European Union, we are going to be wondering what happened to the United States leadership, to the United States jobs and to the United States role as a leader in the world.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. BECERRA), a member of the Committee on Ways and Means.

Mr. BECERRA. Mr. Speaker, I would support Fast Track legislation that meaningfully addresses the areas of labor and the environment, and provides an effective mechanism for congressional participation. This bill does not. I urge my colleagues to vote against H.R. 3005.

Mr. Speaker, article 1 of the Constitution empowers this body, Congress, to regulate commerce with foreign nations. Over the past 250 years of our Nation's existence, for only 20 of those years, from 1974 to 1994, has this body granted the President authority for fast tracking any trade agreement. In those 20 years, five agreements were signed. In contrast, during the 8 years of the Clinton administration, 300 agreements were signed with countries from Belarus to Japan to Uzbekistan.

We can do this without Fast Track. We should have Fast Track, but it should be a Fast Track that gives us a clear road map of where this authority will take us.

We owe it to the American people not to abandon the American worker or consumer. Until we have Fast Track legislation that guarantees where we will protect our workers and consumers, we should not support Fast Track legislation. Vote ''no'' on H.R. 3005.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I am someone who has never voted against trade legislation on this floor. But unfortunately, the President and the Republican leadership have missed an opportunity to move beyond the partisan and narrow ideological divide.

The provisions of the bill of the gentleman from New York (Mr. RANGEL) which dealt with labor standards, multilateral environmental agreements and the elimination of the chapter 11 imbalance could have produced a bill which would have provided 250 ''yes'' votes on this floor.

□ 1430

But, instead, we are not even allowed to vote on it. We are only given 30 minutes to debate it. It is a travesty. Instead, the majority will be created by horse trading on citrus, on textiles, and on whatever else we will find out when we read the paper over the next 1 or 2 weeks. It is a terrible way to create trade policy. At a time when our Nation expects the best, we are falling short. It is shameful, it is unnecessary.

I urge a ''no'' vote. Come back, do it right. There will be an opportunity.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. MCDERMOTT), one of the active Members on trade.

(Mr. MCDERMOTT asked and was given permission to revise and extend his remarks and include extraneous material.)

Mr. MCDERMOTT. Mr. Speaker, I rise today in opposition to H.R. 3005, the Trade Promotion Authority Act of ''Fast Track'' as it is commonly called.

Let me first say that there probably isn't a Member in the House that has voted in favor of more trade legislation that I have. No part of the country is more dependent on trade than the district I represent in Congress. Almost one fourth of the jobs in the greater Seattle area are generated through trade. Trade fosters peaceful international relations, raised the quality of life of working families in our country as well as those in our partner nations. I have supported many trade agreements—MFN for China, NAFTA, AGOA and the Reciprocal Trade Agreement Authorities Act of 1998—but like any trader, I try to learn from experience, and be careful that I only endorse agreements that advance our national goals.

In the past year, our country lost more than one million manufacturing jobs. We have an economy in very deep trouble. Weak prior to September 11th, on that terrible day, it began to hemorrhage.

Mr. Speaker, during the 8 years of prosperity of the Clinton administration, the United States negotiated more than 300 treaties. In fact, only 4 years ago, there were those who said on this floor that without Fast Track, Chile would never negotiate a treaty with us. At the end of President Clinton's administration, Chile said they will. And several months ago the President of Costa Rica announced his country would negotiate with the United States, again without Fast Track. Brazil's Minister Councilor stated at a New America Forum that the slow pace of current FTAA negotiations, begun without Fast Track, has nothing to do with the absence of Fast Track, and everything to do with the United States' refusal to negotiate about citrus, meat and steel, products with which Brazil feels it has a competitive advantage on the table.

Now, there are a lot of us who have never voted against trade bills. Never. Nobody has a district more dependent on trade than me. One out of four jobs in my district comes from foreign trade. But when you keep Congress out of it, when you do not give us a meaningful role, I cannot support it.

A major problem with Representative THOMAS' bill is its failure to constrain trade negotiators from repeating the mistakes in NAFTA's chapter 11 on investment. Foreign corporations are using NAFTA's investment chapter to challenge core governmental functions such as California's power to protect groundwater and the application of punitive damages by a Mississippi jury to deter corporate fraud. At the time of its ratification, few supporters of NAFTA realized that its investment chapter opened the door to such challenges. Now we know the potential impact of language being considered for inclusion in the FTAA and other agreements. H.R. 3005 fails to address the danger that the mistakes of NAFTA's chapter 11 will be repeated in negotiations for a Free Trade Area for the Americas and other future agreements.

The Thomas bill would not protect multilateral environmental agreements from being challenged as barriers to trade. These critical agreements safeguard biodiversity, regulate trade in endangered species, protect the ozone layer and control persistent organic pollutants. The Thomas bill does nothing to discourage countries from lowering or eliminating their environmental standards to gain unfair trade advantages. It also fails to promote meaningful improvement in environmental protection and cooperation.

The executive branch—and its Office of U.S. Trade Representative—must not be given fast track authority that allows it to negotiate more agreements that provide sweeping and controversial protections of property rights at the expense of traditional government authority to protect fair business competition, the environment, public health, worker safety and similar public responsibilities. Rather than compromising these legitimate governmental regulations, international trade and investment agreements should pursue standards of nondiscrimination that put U.S. companies and foreign companies on a level playing field.

I urge rejection of the Thomas bill and urge you to vote for the Levin-Rangel substitute.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentlewoman from Florida (Mrs. THURMAN), a member of the Committee on Ways and Means.

Mrs. THURMAN. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise in opposition to the Thomas bill today. The amendment that was approved by the Committee on Rules last night recognizes some the issues facing Florida agriculture, but, regrettably, this is not the real deal.

As we have seen in the past, the administration can still trade away America's specialty ag products to gain market access for other products abroad. This is the same empty promise. It did not work in 1998 and it will not work now. Florida farmers have a very long memory. They are families who have fed this country for generations. They have struggled against the tide of NAFTA and the Uruguay Round agreements, and many of them have lost.

I would like to close with just a letter sent yesterday by the Florida Fruit and Vegetable Association. Unlike some others in this who continue to talk about it being good for agriculture, this is what Florida agriculture says: ''Agriculture provides Florida with a strong economic foundation, which is especially important during this economic uncertainty. That foundation could be seriously jeopardized as a result of trade agreements, most notably the Free Trade Area of the Americas, that would be negotiated under TPA.''

Please vote against this bill.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. SHERMAN).

(Mr. SHERMAN asked and was given permission to revise and extend his remarks.)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). Will the gentleman take the sticker off his lapel, please, as he addresses the House.

Mr. SHERMAN. Mr. Speaker, over the last decades, we have moved from the largest creditor Nation to the largest debtor Nation in the world. We now run a trade deficit of nearly half a trillion dollars every year. The dollar is on the road to crashing sometime in the next decade or so, and this bill makes it all more certain and makes it happen faster.

It provides access to the American markets to those with the very lowest labor standards and the lowest environmental standards. It will pressure us to see our trade deficit even get larger, or to cut our own environmental standards, labor standards and wage rates in order to compete. It deprives us of the opportunity to demand trade bills that are fair and to involve Congress in making sure that the trade bills do not simply increase trade, but increase exports more than imports. The nonlegal barriers imposed, particularly by China, but other countries as well, will ensure large trade deficits if we pass Fast Track now.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. PRICE).

(Mr. PRICE of North Carolina asked and was given permission to revise and extend his remarks.)

Mr. PRICE of North Carolina. Mr. Speaker, during my time in this body, I have generally supported trade agreements and the granting of so-called Fast Track negotiating authority to the President. The vigorous pursuit of bilateral and regional and world trade agreements is an essential adaptation to the economic reality our country faces.

But not just any agreements will suffice. As we consider giving negotiating authority to the President, it is important to make certain our negotiating framework has kept pace with changes in the scope and impact of trade. In my judgment, the bill before us today fails that test.

It is not a totally deficient bill. In fact, it takes some important steps towards addressing labor and environmental standards. But the bill that the gentleman from California (Mr. THOMAS) and his collaborators produced should have been a starting point for wider collaboration and negotiation, not a take-it-or-leave-it end point. Had that occurred, this bill would give greater weight to basic labor standards, would have stronger nonderogation provisions, and would more adequately protect our environmental laws from challenges by foreign investors.

We also, Mr. Speaker, need more assertive involvement by the President, both in urging all parties on Capitol Hill toward accommodation and in making his own negotiating objectives clear. It would be easier to vote for this bill, despite its deficiencies, had we heard from the President a convincing declaration that he is determined not to put our country at a disadvantage by virtue of the labor and environmental standards we maintain, and that he will instruct his negotiators to give these matters high priority.

Mr. Speaker, we should defeat this bill and do the job right early next year.

Mr. Speaker, I rise as a supporter of free and fair trade and of an expansive American trade policy. Entrepreneurs, corporate leaders, workers, and farmers in my North Carolina district have proven their ability to compete in the new world marketplace, and although our state has also seen more than its share of job losses and industrial decline, a great deal of our growth and expanding prosperity have been generated by international trade.

Therefore, during my time in this body, I have generally supported trade agreements, the granting of normal trading relationship status to China and other countries, and the granting of so-called ''fast track'' negotiating authority to the President. My view is and has been that we cannot continue to grow and to bring better jobs and expanding opportunity to our country by isolating ourselves or protecting ourselves from competition. We must confidently and aggressively enter the world marketplace, and the vigorous pursuit of bilateral, regional and world trade agreements is an essential adaption to the economic reality that we face.

Not just an agreements will suffice, however. As we anticipate the challenges we face in the next five years, we must understand that trade has greatly increased in volume and in value, that it will increasingly involve nations with very different economic and social structures from ours, and that the labor, environmental, safety, and other policies and standards that we and other countries uphold are highly relevant to the advantages or disadvantages we may experience as we trade. Moreover, our ability to protect and improve such standards in the context of trade agreements will greatly affect the impact of trade on our own quality of life and on conditions in the countries with which we do business.

So as we consider critically important legislation to give negotiating authority to the President and to specify our negotiating objectives, it is important to get it right—to understand these changes in the scope and impact of trade and to make certain our negotiating framework has kept pace. In my judgment, the bill before us today fails that test.

It is not a totally deficient bill; in fact, it takes important steps toward addressing labor and environmental standards and giving them a status commensurate with other negotiating objectives. The bill that Mr. THOMAS and his collaborators produced should have been seen as the starting point for wider collaboration and negotiation, not a take-it-or-leave-it end-point. Had that broader, bipartisan collaboration taken place, the bill would have given greater weight to the ILO's core labor standards in bilateral and regional negotiations and would have mandated the pursuit of a WTO working group on labor. It would have more strongly stipulated that agreements should have non-derogation clauses—that is, understanding that parties should not relax their labor or environmental laws in order to gain a trading advantage. It would have reduced barriers to investment while ensuring the integrity of our environmental law, by providing that foreign investors would have no greater rights in the U.S. than U.S. investors. And it would have given Congress a stronger role in overseeing negotiations and holding negotiators accountable. In all of these areas, the Rangel-Levin substitute offers reasonable alternatives that deserve more consideration than they got.

Mr. Speaker, the flawed process and flawed product are intertwined. If this bill passes today, it will be by the narrowest of margins on a largely partisan basis. That does not bode well for future trade agreements or for our country's trading posture. And it did not have to be this way. A more inclusive bipartisan process would produce a far superior bill that would pass by a large bipartisan majority, and that in turn would greatly strengthen the hand of the President and his representatives as they enter critical negotiations. That is the kind of outcome we can have if we defeat this bill and do it right early next year.

In this endeavor, we need more assertive involvement by the President, both in urging all parties on Capitol Hill toward accommodation and in making his own negotiating objectives clear. Proponents of TPA rightly point out that we are not writing actual trade agreements here and that the enabling legislation should not be overly prescriptive. Considerable presidential discretion is necessary and desirable. But that also places a burden of responsibility and accountability on the President to inform Congress and the public as to how he intends to use his discretion and what negotiating objectives he will vigorously pursue. It would be easier to vote for the bill before us today, despite its deficiencies, had we heard from the President a convincing declaration that he is determined not to put our country at a disadvantage by virtue of the labor and environmental standards we maintain, and that he will instruct his negotiators to give these matters high priority.

But we have not heard such a declaration, and so the deficiencies of this enabling legislation become all the more troubling. The Rangel-Levin substitute, while not perfect, is a better alternative. And if the motion to recommit fails, I ask my colleagues to vote against this version of TPA, so that early next year we can produce legislation that more adequately expressed this body's and this country's bipartisan support for expanded trade and that puts

our future trade negotiations on the firmest possible footing.

Mr. RANGEL. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. ENGEL).

(Mr. ENGEL asked and was given permission to revise and extend his remarks.)

Mr. ENGEL. Mr. Speaker, I rise in opposition to the bill.

The TPA bill does not require countries to implement any meaningful standards on labor rights. The bill simply requires that a country enforce its existing laws—however weak they may be.

The TPA bill does not contain any meaningful protections for the environment. The bill does nothing to prevent countries from lowering their environmental standards to gain unfair trade advantages.

The TPA bill is gross abdication of Congress' power. Congress may vote on a disapproval resolution, but only to certify that the Administration has ''failed to consult'' with Congress. Furthermore, unlike current Jackson-Vanik disapproval resolutions on trade, no floor vote is even allowed unless the disapproval resolution is first approved by the Ways and Means and Finance Committees—thereby bottling up the resolution in committee.

The U.S. has now officially entered an economic recession, and millions of workers are suffering. Neither the Administration nor the Republican-controlled House has made any attempt to help unemployed workers find new jobs, get unemployment benefits, or maintain health coverage. Yet, here we stand again on the floor of the House—presented with legislation that helps huge companies at the expense of American workers.

This bill is bad for America. Defeat this bill and let's get to work on helping American workers and the American economy.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to my good friend the gentleman from Tennessee (Mr. CLEMENT).

Mr. CLEMENT. Mr. Speaker, I want to congratulate the gentleman from New York (Mr. RANGEL), first, for always fighting for the working men and women of this great country.

Mr. Speaker, I am concerned, like a lot of people, about the lack of opportunity to debate on this important issue, but I stand here in opposition to Fast Track, to H.R. 3005.

After several years of unprecedented growth, technological advancements, medical and scientific innovations, increased globalization, our economy is undergoing a dramatic slowdown.

We know about layoffs, we know about bankruptcies, and people are really concerned about their jobs and about their future. And we need to be concerned right now about the future of American workers and protecting our environment. All must be factored into the TPA vote and the long-term equation for the U.S. trade agenda.

I have always supported trade bills, but I cannot support this. We have got this legislation before us now, and I question the Constitutional authority concerning this bill because it affects our Congress and our involvement in trade issues. Vote no.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from Michigan (Mr. CAMP), a member of the Committee on Ways and Means.

(Mr. CAMP asked and was given permission to revise and extend his remarks.)

Mr. CAMP. Mr. Speaker, Michigan ranks fourth in exports. Our family farmers export 40 percent of what they produce. I will vote yes on TPA, because fair and free trade means a secure economy and better jobs.

It's official. Our country is in a recession, but Congress is working to help turn our economy around. One way we can do that is to expand our nation's trading opportunity by giving the president Trade Promotion Authority (TPA). This legislation will provide him the ability to negotiate sound trade agreements that will give our economy the boost it greatly needs.

Today we will vote on this important trade legislation which will open more markets by eliminating and reducing trade barriers, benefitting family farmers, employers small businesses, manufacturers, working men and women, and consumers. A vote today for fair free trade today would be the equivolent of a $1,300 to $2,000 tax cut for the average American family. This is good news for local economies in all 50 states, including Michigan.

My state has much to gain from free trade. We've already seen that with the North American Trade Agreement (NAFTA), which helped Michigan exports grow faster than overall U.S. exports. Michigan ranked the fourth highest in exports in 2000 with exports sales of merchandise totaling $51.6 billion, up more than 24 percent from 1999. We live in an export-dependent state with export sales of $5,193 for every state resident. Opening more markets through free trade will only encourage more economic growth in Michigan through exporting.

Economic growth from free trade also translates into more better, high-paying jobs. Export-related jobs pay 13 to 18 percent higher than the national average. Additionally, workers in exporting plants have greater job security because they are 9 percent less likely to shut down than those plants that do not export. In Michigan, we have 372,900 jobs directly dependent upon manufactured exports, in addition to the more than 370,000 they support directly and indirectly.

Michigan farmers, who exported an estimated $868 million in agricultural products last year, are also important to the entire state's economy. Our state exports about 22 percent to 32 percent of what Michigan farmers produce. Already we have seen the benefits of free trade on our farmers who sell more soybean oil in South Korean now that the country is reducing its tariff by 14.5 percent from 1995 to 2004. In the Philippines, they too are reducing their tariffs on soybean mean from 10 percent to 3 percent.

While we have made progress in bringing down trade barriers, more must be done. Fair, free trade means a secure economy, and more and better jobs for Michigan residents as well as all Americans. This week I will vote to give the president Trade Promotion Authority because we will all win from passing this legislation. This trade bill will provide him with the tools he needs to pull us out of this recession and put our economy back on the right track.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from Georgia (Mr. COLLINS), an extremely valuable member of the committee and one who helped us out in bringing this trade bill to where it is today.

(Mr. COLLINS asked and was given permission to revise and extend his remarks.)

Mr. COLLINS. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, as I have traveled throughout the Third District of Georgia, touring textile plants, talking to small business people in towns where textile plants have closed, I have repeatedly heard from those people that they are tired of trade agreements that have exported more jobs in their area than it has exported products. They are tired of agreements that have exported plants, seeing those plants relocated offshore, outside of the United States, all because of weak trade agreements.

In many ways, we have been our own worst enemy when it comes to the textile areas because we have repeatedly said no, no, no. But this time we took a different direction, because I have at this point to commend the gentleman from California (Chairman THOMAS), the President, the USTR Representative and Secretary Don Evans of Commerce, because as we went to them and expressed our concerns and our problems, they listened. Not only did they listen, Mr. Speaker, but they reacted to those problems.

Many of the things that you heard the chairman repeat and talk about earlier are provisions that strengthen this bill, provisions in this bill that will strengthen not only the bill, but strengthen future trade agreements, so that we do promote the exporting of goods.

This President needs the authority to be able to negotiate, to be at the table to sell our products. And that is what it is all about, products that are manufactured and produced and services that are rendered by people of this country.

Mr. Speaker, I urge my colleagues, support the President on this. He has a good track record in the few months that he has been in office. He has already addressed the dumping of steel in this country that hurts steelworkers, the dumping of softwood from Canada that hurt many mill workers across this country. In Doha he resisted the pressure from those who wanted to accelerate the phaseout of quotas and tariffs on textiles. He has a good record. He is our leader. He can be the leader and promoter of goods from this country in the international trade market.

I urge support and passage of this Trade Promotion Authority.

Mr. Speaker, I rise to support Trade Promotion Authority to allow the President to sell American goods and services. That's right, Mr. Speaker. The President is and should be the number one salesperson for American goods and services. He must be a leader in International trade, promoting America the same

way he is leading in the international fight against terrorism. American workers need a salesperson.

Now, I say to you, Mr. Speaker and to the leadership in the Congress, the American worker has grown tired and weary of trade agreements which export American jobs rather than American goods and services. The American worker is tired of deep pocket CEO's of major corporations sending their Washington lobbyists to urge the passage of trade agreements and then within a short time announcing a plant closing in the U.S., only to relocate to Mexico or some other country. The American worker deserves trade agreements which promote the products they produce or services they deliver. To assist and ensure the President promotes the American worker, this bill contains legislative language and report language requiring the President, when negotiating with other nations to do the following:

First, it requires reciprocating trade agreements. In exchange for allowing the selling of international products in our nation, it requires the same consideration for American goods.

Second, it requires the President to negotiate on rules of origin for U.S. content in products to be assembled elsewhere and sold back in the U.S.

Third, it requires the President to discuss and monitor the difference in value of currency in the negotiating country when compared to the strong U.S. Dollar.

Mr. Speaker, parameters, such as these are instructions to the President that American workers want to be engaged in the International marketplace. But such engagement must be fair to all, not free to some at the expense of American jobs.

Mr. Speaker, I have full confidence the President will follow these and other instructions set forth by Congress. He has already shown tremendous support for American jobs by calling the hand of those nations which have dumped steel in the United States at the expense of the steel worker. He has called Canada's hand for exporting subsidized soft wood lumber to the U.S. by proving they were engaged in dumping excess lumber at the expense of the American worker. He placed a tariff on lumber from Canada rather than negotiating a new agreement at the expense of the American worker.

Yes, Mr. Speaker, American workers standing on the assembly line need to and want to trade in an international market. But they want to be able to sell their products, not just buy from other countries. This bill will give the President the authority to negotiate and provide instructions on how to approach those negotiations.

I urge passage of Trade Promotion Authority so we can assist American workers with their jobs, sell their goods and services, and keep our economy strong.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. INSLEE).

(Mr. INSLEE asked and was given permission to revise and extend his remarks.)

Mr. INSLEE. Mr. Speaker, consider the tale of two of my constituents. Greg is a computer software genius at Microsoft. His intellectual property is frequently stolen from him overseas, and he could use a President with Trade Promotion Authority to try to prevent that theft.

And now consider my constituent, John, who came up to me in the lobby of a building the other day and said, ''I just got laid off from Boeing. I am 56 years old. I am worried. I don't know what I am going to do, and I need help.''

For the last 2 months, while we have passed bailout after bailout, this Congress has done nothing for the American worker. Nothing. And we have to learn if we are going to advance a trade agenda, we have to make sure we respect both the Gregs and the Johns of the world.

Yes, you can run over the Democrats on the floor of this House, but you cannot run over the legitimate needs of working people and the environment time after time, and then expect us to develop a trade agenda with the support of the American people.

Vote no on this today. Come back, develop a realistic package of worker protection, and we will pass what we need for our international agenda.

Mr. THOMAS. Mr. Speaker, it is a real pleasure for me to yield 1 minute to my colleague and friend from California (Mr. HUNTER) to speak on this issue since some of you have known his history.

Mr. HUNTER. Mr. Speaker, I thank my friend for yielding me time.

Mr. Speaker, in early September, I was gearing up as usual to oppose this Fast Track. And then our country was attacked, and today as we all know, we have Marine expeditionary forces, American carrier battle groups, tactical aircraft, Special Operations forces, in theater, in combat in Afghanistan.

Heading those forces, those American forces, is one man, the American President, and for the next couple of months, in my estimation, more than ever, his successes are going to be our successes, his losses are going to be our losses.

I, as all my colleagues know, do not like Fast Track, I do not like free trade. But I like less the idea of weakening this President in this time of great national emergency.

For that reason, this time, this once, I am voting yes.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. HOYER), a distinguished leader of Congress.

Mr. HOYER. Mr. Speaker, I thank the ranking member for yielding me time.

Mr. Speaker, first, I want to adopt the remarks of the gentleman from North Carolina (Mr. PRICE): One minute is too short a time to substantively discuss obviously so important an issue. But I want to say that I reject the rationale of the gentleman from California who spoke immediately before me. I do not believe that a vote ''no'' will weaken the President. What a vote ''no'' will do is strengthen the process in this House.

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The American public elected 435, not 221 or 222, but 435 of us; and they expected us to come together, to work together, to reason together, and to produce a product. I believe had that process been followed, this product would be better.

Like the gentleman from North Carolina (Mr. PRICE) who spoke before me, I have supported Fast Track, PNTR, and NAFTA. Why? Because I believe that trade is an important aspect of the economic well-being of our country and of our workers. But I believe that this process needs to be open; and if so, it will be a better one. Reject this bill.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 30 seconds to the gentleman from Florida (Mr. WELDON) for the purpose of engaging in a colloquy.

Mr. WELDON of Florida. Mr. Speaker, the amendments in section 3 dealing with trade-sensitive commodities would limit the President's proclamation authority so that tariff reductions could not be implemented without specific congressional approval. It is also my understanding that the bill restricts the ability of the administration to reduce tariffs on sensitive agricultural industries. Finally, the bill requires that import-sensitive agricultural products such as citrus be fully evaluated by the ITC prior to tariff negotiations and that any probable adverse effects be the subject of remedial proposals by the administration. Is that the gentleman's understanding?

Mr. THOMAS. Mr. Speaker, if the gentleman will yield, yes, that is my understanding as well.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Speaker, I thank the gentleman for yielding me this time.

In the first year of the Bush Presidency, we have lost 1 million manufacturing jobs. We are officially in a recession. The stock market has dropped precipitously. This body has done little for the economy, and this body has done nothing for laid-off workers. They promised us during the airline bailout bill that they would help laid-off workers. They promised us during the stimulus package and the tax cuts for the richest Americans and the largest corporations in this country that they would help laid-off workers. They did not deliver. Now, during Trade Promotion Authority, they are promising again to help laid-off workers.

Mr. Speaker, our history of flawed trade agreements has led to a trade deficit with the rest of the world that has surged to a record $435 billion. The Department of Labor reported that NAFTA alone is responsible, and these are conservative estimates, for the loss of approximately 300,000 U.S. jobs.

Our trade agreements go to great lengths to protect investors. Our trade agreements go to great lengths to protect property rights. But these agreements never include enforceable provisions for public health, for the environment, and for laid-off workers.

Mr. Speaker, I ask for a ''no'' vote on Fast Track Trade Promotion Authority.

Mr. THOMAS. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. KNOLLENBERG).

Mr. KNOLLENBERG. Mr. Speaker, I thank the gentleman for yielding me this time.

Today's vote on Trade Promotion Authority is a critical test of our leadership and commitment to creating jobs in this country. Trade equals jobs.

In my home State of Michigan, 372,000 jobs are dependent, dependent upon manufactured exports; and those jobs pay upwards of 18 percent more than the average job. That is good for America.

But here is what is bad. We have a serious problem. Look at the white; look at the red. This map shows that America is becoming isolated, America is isolated, while others expand trade around us.

There are exactly 133 trade agreements that are in place today, but the U.S. is party to only three. That is where we are today. How about tomorrow?

We are leading the world in an effort to eradicate terrorism. We must lead the world in expanding free markets and creating new jobs through trade. Look at this again. This is the U.S., in case my colleagues cannot see. The red is all of those countries, 111 countries that are involved with free trade agreements. We must pass TPA. Let us vote for TPA.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. PELOSI), a national leader.

Ms. PELOSI. Mr. Speaker, I thank the distinguished ranking member for yielding me this time and for his initiative that he is presenting here today. I, unfortunately, rise in opposition to the legislation before us.

Mr. Speaker, today we have the opportunity to create a new trade framework for a new century. I had hoped to be able to support Fast Track Authority for President Bush, as I had supported Fast Track Authority for his father, President Bush, at an earlier time. I wanted to do this, and I had hopes that we could do so with a trade promotion act that reflected our Nation's concerns about the importance of the environment and workers' rights. If this bill had done so, it would have passed this House overwhelmingly. Instead, if it passes at all, it will squeak through based on a handful of promises. I wish my colleagues to consider the true value of those promises as they cast their votes.

So here we are with an economy in recession and hundreds of thousands of American families struggling with the realities of unemployment.

Mr. Speaker, I urge my colleagues to oppose this legislation. Anyone who does not see the connection between the economy and the environment is on the wrong side of the future. Vote ''no'' on this trade promotion.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. ROEMER).

(Mr. ROEMER asked and was given permission to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, there are some in this Chamber who will not vote for any kind of trade agreement, and there are others that will vote for every kind of trade agreement, thinking it is a panacea. As a New Democrat, I believe in incorporating new ideas into our trade agreements, especially to help our workers.

When I voted for the African Trade Agreement, I heard we would help workers. When I voted for the Caribbean Basin initiative, I heard, we will not forget about the workers. When I voted for the China agreement I heard, once again, we will eventually get to the workers.

Well, it is time now to help American workers and their families. In the Tokyo Round we introduced tariff levels as a new idea. In the Uruguay Round we introduced intellectual property as a new idea. In the Doha rounds we introduced antitrust laws as a new idea, and now we should have the new idea of saying there should be a floor of protecting against child labor, not mandating a minimum wage, but saying, child labor is wrong and it is not going to be in future trade agreements between the United States and other countries. Defeat this bill.

Mr. THOMAS. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. WELLER).

(Mr. WELLER asked and was given permission to revise and extend his remarks.)

Mr. WELLER. Mr. Speaker, I rise in support of this bipartisan effort to help Illinois farmers, workers, and small businesses expand their business opportunities.

Mr. Speaker, trade promotion authority or TPA gives the President the authority to negotiate and bring back trade agreements to Congress with assurances of an up or down vote. Now more than ever, our President needs the clout to negotiate trade agreements to protect both the economic and national security of our nation.

America's workers and businesses now export over $1.8 million of goods and services per minute, which fuels economic growth, job creation, and technological innovation. 12 million Americans owe their jobs to foreign exports and more than 25 percent of our $8 trillion economy is tied to foreign trade.

The high tech industry is the largest manufacturing sector in the U.S. by employment, sales, and exports. The high tech sector is also the largest merchandise exporter in the U.S. In 2000, high tech exports accounted for 29 percent of U.S. merchandise exports. TPA allows the access to new markets overseas that the high tech industry needs to expand and grow.

Since 1994, the U.S. has failed to implement a single free trade agreement with any nation. 130 free trade agreements exist worldwide, with the U.S. participating in only two. Open trade will create new markets for our workers, including workers in the high tech industry. TPA will not only spur economic growth, but it will create new jobs and new income.

Mr. Speaker, TPA is especially important to our friends in the agriculture community. My home state of Illinois ranks 5th in nationwide exports of agricultural products by exporting $2.7 billion in 1999 alone. Income from Illinois exports equates to $110 per acre for corn and soybeans.

Even with its huge output of agricultural products, demand for the top five agricultural products from Illinois is growing. NAFTA and GAAT trade agreements help prove that TPA will increase this demand further.

America's farmers export about one-third of their total crop production. Future sales and growth are directly tied to whether the U.S. can negotiate trade agreements with foreign countries. If we don't supply other countries' needs, someone else will!

The time is now to give the President TPA, which has lapsed since 1994. TPA is good for small businesses, the high tech sector, agriculture, and for the economy in general.

I urge my colleagues to vote for H.R. 3005 and give the President the trade negotiating authority that is needed to help jumpstart our economy.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from Oklahoma (Mr. WATTS), the chairman of the Republican Conference and someone who understands that this bill is about jobs, about helping the unemployed and, for the first time in the history of a trade agreement, includes labor and the environment.

Mr. WATTS of Oklahoma. Mr. Speaker, the question before us today is the following: Should we vote to stop small businesses and farmers from exporting more of their goods, or should we vote to grow America's export market? Should we ignore the new economy, or should we look for new ways to open new markets?

My home State of Oklahoma is the third largest producer of wheat in the country. We export half of our wheat out of the United States. By giving the President Trade Promotion Authority, farmers will have more opportunities to export their products to new consumers and new markets.

Mr. Speaker, opponents of giving the President Trade Promotion Authority may have had a mainstream argument 50 years ago, but we are in a new century. The arguments being made by foes of expanded trade is rooted in what was, not what is; and it certainly does not think about what can be.

The choice is simple. We can continue business as usual. Our economy is in a recession, corporate profits are down, unemployment is up, and the gross domestic product has dropped at the fastest rate in 10 years. Companies are even skipping their Christmas party this year, trying to save a few bucks.

Or we can look for new ways to give our economy a boost. Allowing the President to have the freedom and flexibility to negotiate down trade barriers and tariffs is good for the economy, good for jobs, good for farmers,

good for small businesses, and good for the consumer.

Mr. Speaker, this is about the old versus the new, yesterday versus tomorrow, walls versus bridges, fear versus competence. It is about America. Our character, our ingenuity, our employees are the best in the world. We can compete with anybody in the world, but we must give the President the authority and the flexibility to trade or to negotiate these barriers and tariffs down that hurt American products.

I ask my colleagues to vote for international trade. Vote ''yes.''

Mr. RANGEL. Mr. Speaker, I yield 30 seconds to my dear misguided friend, the gentleman from Louisiana (Mr. JEFFERSON).

Mr. JEFFERSON. Mr. Speaker, I think I thank the gentleman for the extra 30 seconds.

I want to thank the gentleman from California (Mr. THOMAS) for his efforts to reach a bipartisan consensus on this bill and the gentleman from New York (Mr. RANGEL) and the gentleman from Michigan (Mr. LEVIN) for the comity that they have shown us in our efforts, along with the gentleman from California (Mr. DOOLEY) and the gentleman from Tennessee (Mr. TANNER) for the unique partnership that we have been able to forge on this bill.

I rise in strong support of the legislation. Why should Democrats support this bill? I think the first reason, Mr. Speaker, is because of our legacy. Earlier this week, Jeff Sachs commented in the Wall Street Journal that Democrats have a strong legacy of promoting democracy and free trade, highlighting the efforts of Woodrow Wilson, F.D.R.'s initiation of trade liberalization in the Great Depression, Truman's postwar launch of multilateral trade in the GATT, JFK's call for deep tariff reductions, and Bill Clinton's completion of the Uruguay Round and the leadership in founding of the World Trade Organization.

Regarding the multilateral trade negotiations, Sachs pointed out that while this round is being launched under a Republican administration, it might well be completed by a Democratic one. The Dillon Round was launched by Eisenhower and finished by Kennedy. The Tokyo Round was launched by Nixon, but completed by Carter, and the Uruguay Round was launched by Reagan and completed by Clinton.

History tells us, Mr. Speaker, this issue is about how our Nation engages the world over trade issues through the institution of the Presidency, not about a particular President. That is why I supported Fast Track under former President Bush, former President Clinton; and that is why I support granting Trade Promotion Authority now.

Why should Democrats support this bill? Because it advances Democratic trade principles in a meaningful and balanced way. For the first time, ILO Core Labor standards will now be considered on par with commercial interests in the context of trade agreements and negotiations. For the first time, our proposal provides meaningful ways for the U.S. to assist countries in improving their labor standards. Principal negotiating objectives require the President to assist in building the capacities for countries to respect worker rights, the right of association, the right to bargain collectively, a prohibition on the use of any form of forced or compulsory labor, a minimum age for employment of children, and acceptable worker conditions. The bill also requires countries to enforce the labor and environmental laws. Our bill includes substantive and enforceable standards on labor and the environment.

Mr. THOMAS. Mr. Speaker, I yield 30 seconds to the gentleman from Louisiana (Mr. JEFFERSON).

Mr. JEFFERSON. Mr. Speaker, I thank the gentleman for the time.

Why should Democrats support this bill? Because this debate is not one of pure philosophy. It has meaningful and powerful implications for the United States and the world, and we can be sure that the world is watching and waiting for our leadership on this important issue.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. BONIOR), the minority whip.

Mr. BONIOR. Mr. Speaker, what are we doing here today? In the midst of a recession, we are debating a bill that will cost even more American workers their hard-earned paychecks that they pour their hearts and their souls into every single day. We have lost over 150,000 jobs in Michigan, 3 million across the country with these bad trade deals over the last decade.

When a factory closes in Detroit or Saginaw or Flint or Kalamazoo, we not only lose those good-paying jobs, we cripple a whole community. We take away the tax base so there is no money there for fire and police and schools and businesses. No one goes unaffected.

Our trade agreements should promote human rights and democracy, they should improve working conditions across the world, and they should protect our environment and the quality of life.

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If we give the President Fast Track Authority, we will have no opportunity to push for these protections. We will abandon our constitutional responsibility. For the American people, Fast Track will be a bullet train to the unemployment line.

Vote ''no'' on the Thomas Fast Track and preserve the voice of the people in our trade decisions.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from Minnesota (Mr. RAMSTAD), a member of the committee.

(Mr. RAMSTAD asked and was given permission to revise and extend his remarks.)

Mr. RAMSTAD. Mr. Speaker, I thank the gentleman for yielding time to me.

On behalf of Minnesota jobs, Minnesota businesses, Minnesota farmers, and Minnesota's future, I rise in strong support of Trade Promotion Authority.

Mr. Speaker, the vote before us today is absolutely critical to America's economic recovery and security. It is no exaggeration to call it one of the most important votes we will cast this decade.

Our President needs Trade Promotion Authority so he can open markets for American products, create jobs and get the best deal possible for our businesses and workers.

Every President since President Ford had this important tool in his trade arsenal until it expired in 1994.

Now more than ever, TPA is vital to our economic security. The U.S. economy is increasingly international in scope, and it is clear that expanding trade is absolutely imperative to spur economic growth.

Over 25 percent of the growth in our national economy over the last decade is tied directly to international trade. Last year alone, my home state of Minnesota exported over $17.5 billion in goods and services. This is an increase of over $6 billion in the last decade. Over 270,000 jobs in Minnesota manufacturing exist because of trade, and trade-related jobs pay 13 to 18 percent more than other jobs.

The U.S. is rapidly falling behind in our efforts to sell our products abroad. We are a party to just 3 of the nearly 130 free trade agreements currently in force around the world. And while Europe, our main competitor, continues to negotiate free trade agreements with the rest of the world, the U.S. remains outside the process. Our interests are being ignored.

Mr. Speaker, TPA will help our President negotiate trade agreements that open up international markets for U.S. goods and services. Let's give the President the tool he needs to create jobs, help workers and rescue our ailing economy.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from Arizona (Mr. KOLBE), someone who has been a stalwart on trade.

(Mr. KOLBE asked and was given permission to revise and extend his remarks.)

Mr. KOLBE. Mr. Speaker, I rise in strong support of Trade Promotion Authority.

Mr. Speaker, much has been made here today about how trade promotion authority can be a real shot in the arm for a struggling economy.

Other members have pointed out how TPA is a critical tax cut for American consumers, workers, and companies. That, too, is true.

However, I want to talk about 3 other reasons why TPA is so critical for America.

First, TPA strengthens our national security. Capitalism, trade, and the rule of law support freedom. Freedom and stable economies support the growth of democracies. And democracies conduct peaceful commerce among themselves. TPA for President Bush is vital to bolster the global trading system. That system is critical to US national security.

Second, TPA is critical if we are going to do more than spout rehtoric about helping the developing world. Each year we pass a foreign

operations bill. While countries appreciate it, it is pennies on the dollar compared to the resources they need and compared to the benefits that might flow from a new round of trade liberalization. Open markets, capitalism, and foreign direct investment are the real tools they need—not foreign aid.

And third, passing TPA is critical to US global leadership. We stand at a pivotal moment in world history. Our country fought two world wars, defeated the Soviet Empire in the Cold War, and adopted a foreign policy to spread democratic values, ideas, and beliefs around the world. We achieved much in the 20th century. We must not put that at risk in the 21st century.

Secretary of State Colin Powell says Trade Promotion Authority (TPA) is ''an essential part of our diplomatic tool kit.'' He urges that we not allow our ''broader foreign policy agenda to be hijacked by the terrorists,'' and points out that ''trade helps create a secure international environment within which Americans can prosper.''

Trade promotion authority is critical for our national security, foreign policy, and US leadership abroad. Vote ''yes'' on H.R. 3005.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield such time as she may consume to gentlewoman from Connecticut (Mrs. JOHNSON), a member of the Committee on Ways and Means.

Mrs. JOHNSON of Connecticut. Mr. Speaker, our security interests are global. Our economic interests are global.

As we stand here today, since 1990, the European community has negotiated 27 free trade agreements. Do Members understand that every one of those free trade agreements socks in European products, European standards? Their electrical outlets are different than ours. They get into that market, they get their goods in and our goods are out.

We act here on this more as if there are not negotiations that are going to go forward. They are going to go forward. The issue is, will America lead or will America follow. Are we going to allow jobs to be created in America, or are we going to let them go to Europe?

Watch this standards issue. Soon to enter the EU is Croatia. They are about to pass a bill that bans biotech materials. What will that do to agricultural exports from America? Do we not want a President at that table demanding science-based standards?

This is about trade of American products to grow our economy and create jobs. I urge support.

Mr. Speaker, as our security interests are global, so are our economic interests. If we want to create new jobs and protect existing jobs at home, we must open new markets to American products abroad.

Since traditional trading authority expired in 1994, we have lost customers to other countries because they can now sell their goods without high tariffs simply because they have been at the negotiating table and have made trade agreements that shut us out.

Of the 130 existing free trade agreements, America is a party to only 2—with Israel and the NAFTA countries. Since 1990, the EU has completed negotiations on 27 free trade agreements and is currently negotiating 15 more.

The United States has missed out on dozens of opportunities to create economic pacts with other nations that want to buy goods made by American workers. We are now not only losing markets and customers, one by one, but are losing our position as a leader at the table that shapes the international trading system.

By not being there, we allow Europe to set standards that work against American products, slowing U.S. economic growth now and for decades ahead. According to the USDA's Foreign Agricultural Service, Croatia, a country that aspires to future EU membership, currently plans to go further than the EU on biotech Croatia has a draft law in process that would institute an outright ban on any products containing biotech materials. So we simply must have our President at the table to insist on science-based standards to protect and open markets to American products.

TPA is essential for our nation to remain prosperous, and passage will have a great impact on the workers I represent. Connecticut's economy is very export-dependent. Last year, Connecticut's export sales of merchandise totaled $13.2 billion, supporting more than 180,000 jobs. Viewed on a per capita basis, Connecticut ranks 6th nationally, with export sales of $3,860 for every state resident. 85 percent of our exporters were small and medium-sized businesses.

Export-related jobs tend to be good, high-paying jobs. Wages of workers in jobs supported by exports are 13 to 18 percent higher than the national average. Export-related jobs are also more secure, as exporting plants are 9 percent less likely to shut down than comparable non-exporting plants.

Trade agreements do work: Total exports from Connecticut to NAFTA countries (Mexico and Canada) in 1999 were 44 percent higher than 1993, before NAFTA.

They are also good for consumers and are equivalent to tax cuts, as trade agreements reduce tariffs and provide lower-priced goods. The average American family of four could see an annual income gain of nearly $2500 from a global reduction in tariffs and trade barriers—the objective of negotiations.

TPA is good for workers, and good for consumers alike. Furthermore, world trade negotiations are going to proceed. The only issue is will America lead—or follow. At the very moment when our President has provided strong and able leadership, diplomatic skill and sound judgement to unite the world against terrorism and create a more peaceful future, why would we not empower him to provide the same leadership to the economic discussions on which our prosperity and the economic growth of the nation depends?

I urge my colleagues to support passage of this needed legislation.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. ESHOO), a gentlewoman who has worked hard over the years on trade issues.

Ms. ESHOO. Mr. Speaker, I thank the distinguished ranking member of the committee, the gentleman from New York (Mr. RANGEL), for yielding time to me.

Mr. Speaker, I have but a few brief moments to come to the microphone today, not to urge Members one way or the other on the issue that is before us, but to state why, with really a heavy heart, why I am not supporting the first trade issue since I have come to the Congress since 1992.

In my congressional district, which is the home to Silicon Valley, we have scores of unemployed workers. They are part of that two-thirds of the American work force that are not eligible for unemployment benefits because they are contract workers.

I know what the new economy produced. I have faith in the industrial leaders in my congressional district and other places. I believe they will help restore the economic well-being of our country.

But we in the Congress have an obligation to stand next to those workers in my district and across the country that are part of the economic collateral of 9–11 and before that. That is why I rise. I asked for a vote on an economic package that would deal with them first, and on the heels of that, support trade assistance.

So it is with a great deal of regret that I state that I cannot and will not vote for the bill because of it.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 1 minute to the gentleman from Texas (Mr. COMBEST), the chairman of the Committee on Agriculture.

Mr. COMBEST. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise today in strong support of H.R. 3005. Trade Promotion Authority is a win for American agriculture. It is a vital tool that the Bush administration must have in order to fight for the American farmers and ranchers in the global marketplace.

In all of my 17 years in Congress, I have never seen a President more committed and focused on American agriculture. President Bush has stated that it is his intention that agriculture remains at the cornerstone of his administration's trade program, that his commitment to the American farmers and ranchers in all aspects is constant and strong.

The President has firmly stated to me that the American farmer and rancher will be the beneficiaries of Trade Promotion Authority, and I intend to work with the administration and the U.S. Department of Agriculture to ensure that the best interests of our farmers and ranchers are kept in the minds of American trade negotiators.

H.R. 3005 clearly provides that the Committee on Agriculture must be involved in all discussions and consultations during negotiations and immediately prior to signing any agreement. As chairman of that committee, I intend to make sure that that happens. I will continue to work with the administration to make sure that American agriculture uses all the tools necessary to compete on the global stage.

I rise today in support of H.R. 3005. Trade Promotion Authority (TPA) is a win for American agriculture and is a vital tool that the

Bush administration must have in order to fight for the American farmers and ranchers in the global marketplace. In all of my 17 years of Congress, I have never seen a President more committed to and focused on American agriculture. President Bush has stated that it is his intention that agriculture remains the cornerstone of his administration's trade program and that his commitment to American farmers and ranchers in all aspects is strong and constant. Therefore I support granting the President trade negotiating authority and urge my colleagues to do the same.

The President has firmly stated to me that America's farmers and ranchers will be the beneficiaries of trade promotion authority. I intend to work with the administration and the U.S. Department of Agriculture to ensure that the best interests of our farmers and ranchers are kept in mind as agricultural trade negotiations proceed. Since U.S. farmers and ranchers produce much more than is consumed in the United States, exports are vital to the prosperity and success of U.S. farmers and ranchers. TPA will give the President the flexibility to take advantage of market-opening opportunities, while maintaining the closest possible consultation with Congress. It is important that American farmers and ranchers see agriculture trade and new trade agreements as a positive force. Officials administering trade issues must both understand production agriculture here at home and the fierce competition in worldwide agricultural trade.

H.R. 3005 clearly provides that the Committee on Agriculture must be involved in all discussions and consultations during trade negotiations and immediately prior to signing any trade agreement. As chairman of the committee I intend to make sure that happens. I will continue to work with the administration to make sure that American agriculture uses all the tools necessary to compete on the global stage, while maintaining our international obligations.

As President Bush has said, the success of agriculture contributes to the strength of this Nation. Our President recognizes that the worldwide agricultural market has been rigged against farmers who play fair. Through trade negotiations we can achieve a more level playing field . . . and, as President Bush says, that is good news for the world's most productive food producers—the American farmers. I urge my colleagues to support H.R. 3005 and grant the President trade promotion authority.

Mr. RANGEL. Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon (Mr. DEFAZIO).

(Mr. DEFAZIO asked and was given permission to revise and extend his remarks.)

Mr. DEFAZIO. Mr. Speaker, I rise in opposition to the bill.

Mr. Speaker, there are so many problems with the fast-track trade negotiating authority legislation under consideration today that it's hard to know where to begin. In short, H.R. 3005 will cede blanket authority to the President to negotiate future trade agreements that perpetuate and expand the failed U.S. trade policies of the most recent administrations with no meaningful checks and balances from Congress.

These failed trade policies, including the North American Free Trade Agreement (NAFTA), the World Trade Organization (WTO), and most-favored nation status for China, all of which I opposed, have, to varying degrees, contributed to massive job loss and job dislocation, soaring trade deficits, eroding U.S. sovereignty, plummeting farm commodity prices, and degraded environmental conditions. I will speak more about these issues in a minute. But first, I'd like to address the more fundamental question of whether fast-track is an appropriate or necessary delegation of constitutional authority. Proponents of fast-track and H.R. 3005 would have you believe that if Congress fails to grant this special negotiating authority to the President that the U.S. economy and the global economy will come to a screeching halt and allies will refuse to negotiate new trade agreements with us. That is sheer nonsense.

Article I, section 8 of the U.S. Constitution grants Congress the exclusive authority ''to regulate commerce with foreign nations.'' Fast-track negotiating authority, which allows the President to negotiate trade agreements with virtually no input from Congress and forces Congress to vote yes or no on the agreement without the opportunity for amendments, destroys the checks and balances built into the Constitution. This is not a partisan issue for me. I helped defeat legislation twice to grant former President Clinton fast-track trade negotiating authority. My opposition to fast-track is due to my desire to protect the constitutional prerogatives of Congress, as well as my belief that American workers and the U.S. economy have not been well-served by current U.S. trade policies. In essence, in one 62 page bill and one single vote, fast-track delegates four critical constitutional powers of Congress regarding trade. Under the fast-track process envisioned in H.R. 3005, Congress gives up:

The authority to decide the terms for trade—any negotiating objectives set by Congress are not binding on the Administration or enforceable by Congress in any practical way; the ability to enter into trade pacts of its own design—the Administration will sign an agreement, thus locking in commitments, before Congress votes up or down, leaving no opportunity for amendment; the authority to draft laws—the administration will have the authority to write implementing legislation for trade agreements that can change federal laws to conform to the agreement without any additional congressional checks; and, the ability to set the congressional schedule—H.R. 3005 per-sets the floor procedures for final consideration of any trade agreements negotiated with fast-track.

Given this wholesale delegation of our constitutional responsibilities, it stands to reason that fast-track proponents must be under the assumption that all wisdom on trade matters rests with those at the White House, the U.S. Trade Representative's office, and the Department of Commerce. I find that insulting, and given the pathetic record of previous trade agreements, absolutely incorrect.

Mr. Speaker, it is useful to step back and look at the historical basis for fast-track. Fast-track was a Nixon-era presidential power grab. While proponents say that every president since Gerald Ford has had fast-track negotiating authority, what they don't say is that it has only been used a handful of times—to negotiate the General Agreement on Tariffs and Trade (GATT) Tokyo Round and Uruguay Round, the U.S.-Israel Free Trade Agreement (FTA), the U.S.-Canada FTA, and the NAFTA. The Clinton administration alone claimed to have negotiated nearly 300 separate trade agreements. Of these, only the GATT Uruguay Round and NAFTA were done using fast-track. Further, it is not just minor trade agreements that have been negotiated without fast-track. Major agreements like the Jordan FTA, our bilateral agreement on China's accession to the WTO, the Information Technology Agreement, the Financial Services Agreement, and the Basic Telecommunications Agreement were all negotiated without fast-track.

Rather than granting the executive branch carte blanche negotiating authority, it seems that Congress would be well-advised to reassert its constitutional prerogatives and rein in the freelance negotiating done by successive administrations without clear authorization from Congress. This is particularly true since trade agreements now deal with far more than just setting tariff and quota levels, which were primarily of interest to industry. Today's international commercial agreements impact much broader areas of public policy, including the environment, consumer and worker safety, and a vast array of domestic regulatory standards. The public and America's congressional representatives have a greater need to monitor negotiations and have meaningful input into the outcome. That is impossible under the legislation on the floor today.

H.R. 3005 eviscerates Congress' constitutional role on trade. It includes essentially worthless provisions requiring ''consultation'' with Congress by the executive branch. This type of requirement has been routively ignored in recent trade negotiative, and no doubt will be disregarded under the current administration. Proponents of fast-track also claim that the President needs this authority to negotiate trade agreements that will be good for the U.S. economy. If that's what the President was actually going to do, it might make some sense to provide him some leeway. Unfortunately, the record of U.S. trade policy shows otherwise. For example, consider our runaway trade deficit. Last year, the U.S. trade deficit reached a record $435 billion, up from $271 billion in 1999. The trade deficit currently stands at an unprecedented 4.5 percent of the overall U.S. economy. Including interest payments, our net foreign debt is 22 percent of GDP and is on a trajectory to reach 40 percent of GDP in 5 years. Argentina's experience should serve as a warning. Argentina, whose economy is suffering a total collapse with the government threatening to default on its debt, has a net foreign debt of 50 percent of GDP.

Why does the trade deficit matter? The U.S. trade deficit is financed by borrowing, often from foreign investors and foreign countries. This is money that future generations of people living in the U.S. will have to pay back to people living elsewhere, with interest. And when foreign creditors begin to call in their loans, it will be the American worker and the American family who pay the price caused by the indifference of policymakers in Washington. Just ask workers in Argentina.

Is this really a problem? Yes. In December of 1999, well-known market-watcher Standard & Poor's put the U.S. financial system on its watch list of 20 countries that are ''vulnerable to a credit bust.'' Surprisingly, the International Monetary Fund (IMF), which is generally recognized as a tool of the U.S. Treasury Department, has acknowledged the teetering nature

of the present U.S. financial condition. In a recent consultation with the U.S., the IMF noted, ''The sustainability of the large U.S. current account deficit hinges on the ability of the United States to continue to attract sizable capital inflows. Up to now, these inflows in large part have reflected the perceived attractiveness of the U.S. investment environment, but such perceptions are subject to continuous reappraisal.'' In other words, foreign investors could wake up tomorrow, look at the large U.S. current accounts deficit, question whether we'll be able to pay our bills, change their minds about the attractiveness of the U.S. investment environment, and plunge the U.S. into a financial and economic crisis.

As an article in the Wall Street Journal on August 14, 2000, pointed out, ''Although he's often credited with omniscience, Federal Reserve Chairman Alan Greenspan admitted his uncertainty about the trade deficit in testimony before the House of Representatives last month.'' Greenspan testified ''At some point, something has got to give, and we don't know what it's going to be.''

The Chief Economist at Deutsche Bank Research was quoted in the Wall Street Journal saying, ''Confidence in the U.S.A. could abruptly collapse before the rest of the world is firmly back on its feet.'' Mr. Walter went on to say, ''It is, at any rate, not out of the question that capital flows into the U.S.A. will dry up, and that the dollar will take a rapid dive . . .''

Paul Krugman, a mainstream, establishment economist wrote in his column in the New York Times on March 26, 2000, that ''. . . even the most successful economy must sooner or later export enough to pay for its imports. Our current position, where we pay for many of our imports by attracting inflows of capital—in effect by selling the rest of the world claims on our future exports—cannot go on forever.'' Krugman went on to write something that could turn out to be prophetic, ''The trouble, you see, is that in economics, as in life, what you don't pay attention to can hurt you.''

It may not be so far in the future that foreign investors lose confidence in the U.S. economy and the dollar and flee to other currencies as has happened in England, Mexico, Southeast Asia, Brazil, and Russia in the past few years. Of course, then the IMF can come to the rescue, force a structural adjustment program on us, and demand export-led economic growth. Maybe then we can reduce our trade deficit.

Catherine Mann of the Institute for International Economics (IIE) has done research to try to determine at what point deficits become unsustainable. The IIE is a respected, nonpartisan research organization that generally supports unfettered globalization. Ms. Mann examined Canada, Australia, and Finland and seven other economically advanced nations with big trade deficits during the past 20 years. What she found should be a wake-up call to American policymakers. According to her research, 4.2 percent of GDP is the limit a current accounts deficit can research before the economy begins to implode. The U.S. deficit has already reached and surpassed this benchmark.

It is also worth providing a bit of historical perspective. It the early 1970s, the deteriorating trade balance was considered so severe that in August 1971, the Nixon administration made the historic decision to abandon the dollar's gold convertibility and allowed it to float other currencies. What were these shockingly high deficits that led to this decision? A mere 0.1 percent and 0.5 percent of GDP in 1971 and 1972, respectively, minuscule compared to today's deficits. Even the widely heralded ''new economy'', which sacrifices manufacturing in favor of high-technology products and the service sector, is unlikely to improve the trade deficit. So-called post-industrial businesses earn very little from exports and therefore will contribute little to improving our balance of payments problem. Microsoft's exports typically only account for one-quarter of its total sales revenue.

Merrill Lynch is a classic service business. While the firm generates about one-quarter of its revenue outside the U.S., most of it doesn't count as U.S. exports since it generally serves foreign customers from offices in the markets concerned. According to an article in the American Prospect on August 14, 2000, '' . . . it is apparent, that even in a good year, less than 5 percent of the firm's revenues contribute to the American balance of payments.''

Ignoring U.S. trade deficits and continuing to pursue the same-old failed trade policies is not sound policy, and could lead to an economic catastrophe. For this reason, Congress must maintain its constitutional prerogatives on trade, and oppose fast track. Failed U.S. trade policies and subsequent trade deficits have also cost millions of high-paying jobs across the country. H.R. 3005 will help accelerate this job loss by continuing to force U.S. workers—who are the highest educated, best trained, most productive workers in the world—to compete with exploited workers in developing countries who often make only a few dollars a day in dangerous work environments.

Various analysts have identified many negative consequences of massive, persistent trade deficits: a sharp rise in income inequality and stagnation of incomes for average workers; the shifting composition of employment away from high-paying manufacturing jobs with benefits to lower-wage service sector jobs; and decreased research and development spending, which hurts our long-term economic competitiveness; among other problems. According to the Economic Policy Institute, the U.S. has lost 3 million jobs from 1994–2000 due to the U.S. trade deficit. Job-loss associated with the trade deficit increased six times more rapidly between 1994–2000 than between 1989–1994. Every state and the District of Columbia has suffered significant losses. Ten states, led by California, lost over 100,000 jobs each. My home State of Oregon has lost more than 41,000 jobs.

There are many parts of my district in Southwest Oregon that never benefitted from the so-called economic boom of the 1990's. So, while proponents of fast-track will argue that trade has led to a net increase in jobs that proclamation rings hollow to many communities in Southwest Oregon. We've seen our friends and neighbors lose high-paying, family-wage jobs with health care benefits. If they've been able to find work at all after being laid-off, it's for less pay, more hours, and fewer benefits.

In addition to these sometimes abstract, macro-level impacts, U.S. trade policies that sacrifice U.S. jobs and industrial capacity have main street impacts. The micro-level impact of factories leaving small, often single company towns is devastating on families and communities. The domino effect of plant closures has been linked to: increased domestic violence and substance abuse, reduced purchasing power for other businesses in the area that used to depend on higher wage factory workers as their customer base, a reduced tax base that decreases the ability of the local government to provide necessary services, and eventually, population flight that exacerbates the latter two problems.

Of course, it's not just workers who have lost as Congress delegated complete authority to negotiate trade agreements to the executive branch. Farmers and rural communities have been utterly devastated. NAFTA and other trade agreements were held out as a beacon of hope for America's farmers. New market openings were promised in which farmers could sell their surplus crops. All would become rich. This never happened.

While giant agribusinesses exporters have certainly benefitted, the vast majority of family farmers have struggled against a flood of cheap imports from developing nations. In addition, U.S. farmers have, despite commitments to the contrary, been unable to open new markets for their products as other nations stubbornly maintain both tariff and nontariff barriers to U.S. agriculture products. In addition, trade rules discourage country-of-origin labeling, which could allow consumers to pick U.S. grown produce, beef, or other commodities.

The statistics pointing to the failure of U.S. trade policy for farmers are clear: The U.S. balance of trade in farm products has fallen 57 percent since 1996. Prices for major commodities have fallen nearly 50 percent. 72,000 family farms disappeared in the mid to late 1990s. U.S. farm income is projected to decline nine percent in the next year.

Farmers should be wary of predictions that granting fast track will lead to new export markets. We've heard this all before, and farmers are falling further and further behind. Various forecasts by government agencies, private researchers, and lobbyists predicted steady growth in exports through the 1990s. These forecasts all proved to be backwards. U.S. farm exports dropped 22 percent between 1996–2000. At the same time, farm imports rose by nearly 10 percent.

A series of articles in The Oregonian highlighted the plight of farmers in my state. One article detailed the unfair trade practices by Chilean fruit growers that is causing Oregon farmers to go out of business. U.S. imports of Chilean red raspberries more than doubled between 1998 and 2000. That increased Chile's share of the U.S. market to 36 percent, up from 27 percent in 1998. The U.S. International Trade Commission issued a preliminary ruling in favor of U.S. growers on the allegation of illegal dumping, but the ruling came too late for many family farmers. On the whole, Chile exports $900 million worth of agriculture products to the U.S. every year, around six times as much as it imports.

The story is the same for many other commodities and many other trading partners. Oregon wheat farmers had asked me to support permanent most-favored-nation status for China because of the supposed huge market opportunities. However, China has a massive surplus of wheat and no need to buy U.S. wheat. Shipments by Oregon wheat growers have sat and rotted in Chinese ports.

It is worth quoting Dr. Willard Cochrane, former chief economist at the Department of

Agriculture, at length on the folly of U.S. trade policy as it relates to agriculture. He recently wrote:

It does not make sense to pursue a strategy of pushing exports when the global demand is weak. To sell more of our farm commodities in that situation requires us to price them below the going market price, and thereby pull sales away from our competitors. This would, of course, invite retaliation in which those competitors (like Brazil and Argentina) came back at us by cutting their prices still further. This is not the way to profit from the export market—it is the formula for an expensive price war.

For the U.S., this is a terrible solution. The world prices for products like soybeans and corn are already below the costs of production for most U.S. producers. To expand your sales by selling more at still lower price is no way to get well financially and to stay in business. This practice can only transfer the costs to the U.S. taxpayer, as we are continually forced to provide emergency payments to farmers because of extremely low prices.

The global demand for American farm products cannot be manipulated at the beck and call of American policy makers. Foreign importers are not going to increase their purchase of American food products because U.S. policymakers want them to do so. Imports of American farm products will increase again only as those importing countries pull out of their economic slump and consumer incomes begin to rise.

Fantisizing about solving the price and income problems of American farmers through instantaneous global demand expansion is life fantasizing over winning the Power-ball Lottery. The chances of success are about the same. Farmers generally, and family farmers in particular, would be better served by forgetting about fixing the broken export market for farm commodities, and concentrating their energies on enacting legislation designed to strengthen rural communities, reduce the pollution of America's farmland and rivers, and increase competition among suppliers of non-farm produced inputs on the production side, and among handlers and processors on the marketing side.

I am also opposed to the fast-track legislation drafted by Chairman THOMAS because it will help accelerate the destruction of the environment both here at home and around the world. Further, it will do nothing to ensure basic labor rights for workers around the world. Proponents of fast-track would have us believe that incorporating labor rights and environmental protections that are enforceable in the exact same manner as the commercial provisions in trade agreements is an inappropriate mixture of economic issues with so-called ''social'' issues. That is, at best, a shallow and disingenuous analysis.

Representative SANDER LEVIN, one of the leading Democratic supporters of previous trade agreements, put it best when he said labor and environmental issues ''are fundamentally economic issues that are directly relevant to the structure of international competition. In the domestic context, we don't hesitate to say that 'right to work' laws or emissions standard, to pick two examples, are issues that affect economic competition. Indeed, it was the economic relevance of the right of workers to associate, organize and bargain that made it so central in early, decades-long struggles in our nation. Accordingly, it is illogical and inconsistent to suggest these issues are irrelevant with respect to international commerce and competition. Certainly, labor or environmental issues can have 'social' aspects that may involve humanitarian or human rights considerations, or considerations about conservation of natural resources. But it is unrealistic to suggest that as the issues operate among nations, they are not in substantial measure economic in their nature. Indeed, the intensity of the controversy over them, especially between nations, is in good part because they are economic, and not just 'social.' ''

The Economic Strategy Institute (ESI), a pro-trade think-tank that includes former officials of the Reagan administration has also concluded that these are economic issues and that labor standards are appropriate. ESI economist Peter Morici wrote in his book Labor Standards and the Global System that, ''An international regime that permitted importing countries to embargo or impose tariffs on goods made with exploited labor would increase wages, speed development and increase growth in countries where labor is exploited if these measures caused governments or producers to take corrective actions. . . . Better enforcement of [core worker] rights would likely promote trade that increases incomes and growth, both in industrialized and developing countries.'' He went on to write, ''Permitting workers to bargain collectively reduces distortions in the economy and results in a more efficient allocation of resources, more exports, and higher GDP. In contrast, denying workers the right to bargain collectively perpetuates distortions in the labor market, and results in an inferior allocation of resources.''

That being the case, why do fast-track proponents who oppose guaranteed workers rights favor a lower GDP for developing countries, a distorted labor market, and an inferior allocation of resources? Free traders pride themselves on promoting economic efficiency. Yet, economic efficiency depends on workers having rights. The Thomas bill, H.R. 3005, does not even guarantee that trade agreements will recognize the five core International Labor Organization standards: the right to freely associate, the right to bargain collectively, and bans on child labor, compulsory labor, and discrimination.

Environmental protection receives similarly shabby treatment under H.R. 3005. The bill includes no provisions that prevent countries from lowering their environmental standards to produce an economic advantage. The bill does not require the negotiation of trade agreements that improve environmental standards. Environmental protections negotiated via multilateral environmental agreements (MEA) are put at-risk. Citizens have few, if any, rights to protest when governments fail to enforce environmental laws, or labor laws for that matter. Even the language in H.R. 3005 that supposedly promotes environmental consideration is meaningless since it is non-binding on the administration's trade negotiators.

I have visited the U.S.-Mexico border since the enactment of NAFTA. It is a virtual wasteland. Environmental protection is not a natural result of so-called free trade agreements. Environmental protection must be a mandatory objective, enforceable through the same dispute resolution process as commercial provision in trade agreements. H.R. 3005 falls far short of that standard.

Finally, as if destroying American jobs, rural communities, and the environment weren't enough, the misguided U.S. trade policies that would be perpetuated by the fast-track bill before us today represent a frontal assault on U.S. sovereignty.

H.R. 3005 proposes to expand NAFTA's notorious chapter 11 provision, for the first time, allows a private company to sue a sovereign foreign government in the event a country takes an action that is ''tantamount to expropriation.'' Unfortunately, the definition of ''tantamount to expropriation'' turned out to be extraordinarily broad. In other words, if federal, state, or local elected officials take action, such as through passing a law or regulation, that a company believes unfairly limits their ability to make a profit, that company can sue to get the law or regulation overturned or to get monetary compensation for ''lost profits'' resulting from the action.

We have over seven years of experience with the radical investment deregulation included in chapter 11 of NAFTA. During the NAFTA debate, critics of the treaty, like myself, were told that fears about the forced overturning of consumer safety, health, or environmental laws or regulations were unfounded. Unfortunately, events have proven those fears to have been quite prophetic. A string of chapter 11 cases has forced the repeal of public health and environmental laws in Canada and Mexico, and, at least two cases have been filed against the United States. There may be more, but because of the secrecy surrounding these proceedings, it is hard to know.

In Methanex v. U.S., a Canadian corporation is suing to overturn a California law enacted to protect its clean water supply, and thus the health of its citizens. In Loewen v. U.S., another Canadian company is essentially arguing that the U.S. tort system—whereby juries are able to send strong messages via large damage awards to businesses who abuse, defraud, or endanger their customers—is illegal. In other cases, Canada has been forced to overturn a ban on a suspected toxin, the United Parcel Service has sued challenging the existence of the Canadian postal service, and a Canadian steel company has sued over ''Buy American'' laws for highway construction projects in the United States.

The investor protections included in NAFTA, and those envisioned by H.R. 3005, are much broader than previous investment provisions in international agreements. These investor rights are exercised in secretive tribunals that issue binding decisions without regard to consumer health and safety or the environment. And, these investor protections are increasingly being used by businesses as a first resort to influence the sovereign lawmaking and regulatory processes of individual countries rather than as a last resort for egregious conduct by governments. The end-result forces taxpayers to fork over their hard-earned dollars to compensate corporations for our sovereign right as citizens to protect our health and safety. I believe that federal, state, and local governments should be able to act to protect the public interest without being unnecessarily restrained by trade agreements. Unfortunately, H.R. 3005 says otherwise.

Mr. Speaker, the American people are far ahead of their elected officials in understanding the need to halt and reverse the race to the bottom in labor, human rights, and environmental standards around the world.

A recent study by the School of Public Affairs at the University of Maryland found 93

percent of Americans agree that ''countries that are part of international trade agreements should be required to maintain minimum standards for working conditions.'' Further, over 80 percent wanted to bar products made by children under the age of 15. Seventy-eight percent said the WTO should consider labor standards and the environment when it makes decisions on trade. Seventy-four percent said countries should be able to restrict the imports of products if they are produced in a way that damages the environment. Seventy-four percent also said we have a moral obligation to ensure foreign workers do not have to work in harsh or unsafe working conditions. Polls by other independent organizations have drawn similar conclusions.

Our current trade policies allow multinational corporations to receive all the benefits of expanded trade with no corresponding obligations to workers, public health, or the environment. We must reject the claims of proponents of H.R. 3005 that the choice is between unfettered ''free'' trade or no trade at all.

Let's be clear. Fast-track, and the agreements that would be negotiated with it, are not about ''free'' trade. No one will be arguing for the complete removal of tariffs, quotas, or other barriers to trade. No one will be arguing for the uninhibited movement of citizens. And, no one will propose doing away with patents, copyrights or other intellectual property protections which, while they have an economic rationale, are protectionist and violate the dictates of ''free'' trade. Rather, the debate today is about who will write the rules for trade and who those rules will benefit. I believe Congress must not abdicate our constitutional duty to write the rules, and to do so in a way that benefits average working families, public health and safety, the environment, and the U.S. economy.

I urge my colleagues to oppose H.R. 3005.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Washington (Mr. MCDERMOTT), a member of the Committee on Ways and Means and an active member on trade.

Mr. MCDERMOTT. Mr. Speaker, the last round of negotiations came down with 5,000 pages of rules and regulations. We have today out here in 1 hour set up the process by which we are going to do this all over again.

The majority would have us believe that it is not even worth taking the time to look at any alternative. They say, well, you can have a motion to recommit. We can have 5 minutes to talk about the process by which we arrive at 5,000 pages of trade legislation.

If Members think that is fair, if Members think that is what people sent the 435 of us here to do, they ought to vote for this. But if Members think we need a little more time, and we have been here for almost 11 months, and we come down here at the last minute and we have less than an hour for 5,000 pages.

It does not work. They are going to have to come back again.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 1 minute to the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules, which shares jurisdiction over trade packages, including this one.

(Mr. DREIER asked and was given permission to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, on this, the 60th birthday of our friend, the chairman of the Committee on Ways and Means, it is important to note that we are on the verge of casting the single most important vote of the 107th Congress. Why? Because it deals with the two very important issues of our economy and the U.S. role in the world, our leadership role.

We know that the attack that was launched on the United States first hit the World Trade Center, where people from 80 nations around the world were killed, and it was the worst attack on our civilian population ever. They knew exactly what they were doing. They were trying to undermine the leadership role we are playing.

The fact is, the world is moving dramatically towards free trade. The President of Brazil said in a speech just a couple of months ago in Portuguese, ''Exportamos o moremos,'' export or die. He understands that very well.

We as a Congress need to give this authority to the President so that he can pry open new markets for U.S. workers, producers, farmers, and businesses.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I hope the worst thing that happens today on the birthday of the gentleman from California (Mr. THOMAS) is defeat of this bill and that the rest of the day goes well for him.

But the best thing that could happen for the country is that we defeat the bill and try to do it the right way.

Mr. Speaker, I yield the balance of my time to the gentleman from Missouri (Mr. GEPHARDT), the minority leader.

(Mr. GEPHARDT asked and was given permission to revise and extend his remarks.)

Mr. GEPHARDT. Mr. Speaker, first I want to recognize the gentleman from New York (Mr. RANGEL), the gentleman from Michigan (Mr. BONIOR), the gentleman from California (Mr. MATSUI), and the gentleman from Michigan (Mr. LEVIN) for a tremendous job in putting together the motion to recommit that we will be talking about in a few moments. They are truly hard workers, and they truly care about a good trade policy for our country. I thank them for the hard work that they did to put this together.

Mr. Speaker, I rise today to ask Members to vote yes on the motion to recommit; and if it does not prevail, I ask Members to vote no on the underlying bill that has been presented here by the Committee on Ways and Means.

Let me first say that I would have hoped that we could have been on the floor today with worker relief. We are 11-plus weeks since September 11. We have thousands of workers who have lost their jobs.

While we seem to find time for insurance company relief and airline company relief, and now a big trade bill, and lots of appropriation bills, all of which are important and all of which have great support, we cannot seem to find time to take care of the most important thing in front of us.

I said last week, I guess it is because we are not unemployed. If one is unemployed, unemployment is the biggest problem. They cannot get health insurance today. They cannot support their families. I talk to unemployed workers every day. Their problems are right now, this week, today. I would hope that we would get relief for them soon. They need it. We have to do it. They deserve it. Rather than taking up every other manner of bill, I hope we would take that up.

But let me direct my remarks to the bill from the Committee on Ways and Means and why I think it is ill-advised and why the kind of bill that will be presented on the motion to recommit I think is the right way to go.

Let me say that over 20 years now, we have made great progress, in my view, on trade policy in America. Trade policy today is not what it was 20 years ago. There is a good reason for that. In trade negotiations, 20 years ago the only thing that was ever really considered were tariffs. It was a matter of trying to get down high protective tariffs all over the world so that trade would take place between countries.

Today, we have moved way down the road and the issues are not just tariffs, the issues are really about compatibility: how do we get intellectual property laws in countries to be properly enforced; how do we get capital laws to be enforced.

What we have brought to the table and tried to get on the table is the question of whether or not labor laws, human rights laws, environmental laws, health and safety laws, should be just as much a part of trade negotiations as intellectual property laws and capital laws.

Now, we have made a lot of progress. We had a treaty with Jordan that was recently brought to the Congress that dealt with those matters, to the satisfaction of the Government of Jordan and to the satisfaction of the United States.

We now go to another WTO Round. There are lots of other free trade treaties that we want to negotiate, that we should negotiate; but it is vital and important that the full range of issues that should be in those negotiations are on the table in the core text of the treaties.

I was at Microsoft last week, and one of the executives at Microsoft said to me, our intellectual property is still being pirated in China. We are not being paid for our Windows software in China. They can buy it on the street corner, pirated copies. You need to do more, he said, to enforce the intellectual property agreements that are in the treaties with the WTO and now China.

Labor unions, workers, people concerned about the environment, people

worried about health and safety laws have the same feeling about things they care about. At the end of the day, I think what this comes down to is what one worries about.

What do Members care about? If they care about getting wages up in countries abroad, if they think trade is a long march to bring about compatibility across the world so that we have real compatibility in countries, if we really worry about having consumption as well as production, if Members believe we have to build economies all over the world from the bottom up so people have enough money in their pocket to really buy things, then they would agree with me that we need to have a little bit different trade policy that I think is suggested in the motion to recommit, and not suggested in the bill the Committee on Ways and Means brought forward.

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Now, let me end with this. I was in Pueblo, Mexico recently and I met with people in a factory there that went on strike, put together an independent union, something that has not often happened. And they won their strike because the leader of the new independent union, a woman, went to each house of every worker in that plant and got them to support the strike. And they said to me, when I met with them, how great it would have been had we had a provision in a trade treaty with Mexico that they could have used to try to get labor laws in Mexico to be properly enforced so it would have been easier for them to succeed in what they finally succeeded in. One of the first times that it has happened.

I think we need to help people like that in our own self-interest and in the interest of our economy. Trade is a critical issue going forward for this country.

I agree with a lot of the statements that have been made on the other side of the aisle. We are the leader, we are the one that needs to bring trade policies to the world. But in order to do it correctly we have to insist that all the right issues be on the table. And that is what this debate is about.

I urge Members to vote yes on the motion to recommit. I urge Members to vote no if that motion to recommit does not succeed. We can come back here, I am confident if we turn down this ill-advised bill, and we can reach a bipartisan consensus on a trade bill that should get 400 votes on the floor of this House of Representatives. Let us do that and do it very soon.

Mr. THOMAS. Mr. Speaker, I yield the balance of my time to the gentleman from Illinois (Mr. HASTERT), the Speaker of the House of Representatives.

Mr. HASTERT. Mr. Speaker, I thank the chairman for yielding me time.

Mr. Speaker, it is always an honor to take this floor. It is an honor to have these debates because, let no one be fooled, this is one of the defining debates of this Congress. The gentleman who stood up and spoke before, just prior to my taking the floor, is a person who leads the other side of the aisle, a person who I have a great deal of respect for. We do not always agree. As a matter of fact, there are a lot of times we do not agree. But some of the things he talked about today I do agree with.

We talked about unemployed workers. We have seen 700,000 workers in this country lose their jobs since September 11. We need to stimulate our economy. We need to support those things that make this economy work. And one of the ways to do that is to be aggressive, something that we have not been able to do for a number of years; go overseas, make the agreements, make the deals that we have to, sell our products, put our people to work, create jobs in this country, and stimulate and pass legislation that gives the President of the United States the abilities to go out and make those agreements.

We have talked about maybe this bill does not have all of the good things in it maybe other bills did. We have talked about the Jordan trade agreement we just passed a short time ago. But I can tell you, this bill has those agreements in it that were in the Jordan trade agreement. The issues of workers, the issues of environment are put into this agreement, put in this bill.

They talk about being able to negotiate on the international property rights. I understand the problems of trading with China and trading with other places that do not quite have the laws that we have. But unless you have the structure so that our administration and others can go forward and negotiate and lay down the agreements so that we can protect ourselves with international property rights and others, we will never get them, because you cannot do it by waving a wand and you cannot do it by coercion. You have to do it by negotiation, and you have to have the ability to do that.

I stood on this floor 5 years ago to give then President Clinton the ability for Fast Track authority. I did that because I thought it was the right thing to do. I did it because I thought the President of the United States, regardless of party, ought to be able to go out to make agreements and negotiations and then bring them back to this Congress for us to agree with or to disagree with.

Today I rise in support of this legislation giving a new President Trade Promotion Authority. And I urge all of my colleagues to do it. As I said, this is a defining vote for this Congress. This Congress will either support our President, who is fighting a courageous war on terrorism and redefining American world leadership, or it will undercut the President at the worst possible time.

David McCurdy, a former member of this body, now head of a high-tech trade group, said, this vote is every bit as important as our vote to give the President the authority to fight the war on terrorism; this vote is being watched today closely by our allies and by our adversaries.

Ironically, there is more at stake here if we fail than if we succeed. If this vote prevails, the President has the authority to negotiate further trade agreements. That is it. The President still has to bring those agreements back to Congress for approval. If we do not like those deals we can still reject them. But if we vote down this legislation, we send a terrible signal to the rest of the world. We say to the world that the Congress will not trust the President to lead on trade. We say to the world that Congress is not interested in promoting trade. We say to the world that we fight a war around this world on terrorism, that we would rather retreat to splendid isolationism than engage in the world economy.

That is the wrong choice. The world keeps spinning without us. There are 170 free trade agreements around the world that have been negotiated in the last several years. We have been party to two, two, T-W-O, two, one, two, of those agreements out of 170. That means that we have not engaged. We are not there.

We can either watch from the sidelines or we can get in the game. Our high-tech communities, our farmers, our manufacturing sectors, our sectors, they all want us to be in the game. They understand that American leadership on trade means more than American jobs and a better standard of living for our workers.

Many of you are concerned about your constituents. You have a right to be concerned about your constituents. But the constituents in this Nation want us to take steps now to promote long-term economic security now and for the future. American leadership on trade means better economic security for our workers.

Let me conclude by simply saying, reject isolationism, reject protectionism. Vote instead for the American leadership. Vote for American jobs. Vote for better economic growth. Vote to support the President this time, especially in a time of war. Vote for Trade Promotion Authority.

Mr. BENTSEN. Mr. Speaker, I rise in reluctant support of this legislation, which would provide trade promotion authority to the President. Every President since 1974 has had expanded trade authority, but Congress allowed the provision to expire in 1994, and our subsequent efforts to pass TPA have been unsuccessful.

As someone who has supported free and fair trade throughout my Congressional career, the vote on this issue has been particularly difficult because of the process the House Leadership utilized to draft this legislation. More specifically, I believe while real progress was made, more could have been done to address the Democratic concerns in trade negotiations.

I also object to the timing of this measure, which is being considered prior to enactment

of unemployment insurance legislation for those affected by the recession and the September 11 terrorist attacks. I also wish this legislation had incorporated more meaningful language on reform of the trade adjustment assistance program. Only after intense pressure and the prospect of failure did the House Leadership and the White House concede that more must be done meet the needs of American workers suffering from the recession and those who lose their job as a direct result of trade. With my colleague, Anna Eshoo, I have offered legislation that presents a real reform of the TAA program, and I am hopeful that the Senate companion to this bill—S. 1209—is considered in short order by the full Senate, and serves as the primary vehicle for conference consideration.

Despite these concerns, I believe passage of this legislation is needed to produce strong trade agreements that open and expand markets for U.S. goods and service. To create new opportunities for American workers and their families, Congress must support policies that encourage growth and increased living standards in the U.S. Passage of this legislation will send a strong signal to the rest of the world that the President and Congress are prepared to work together to reaffirm U.S. leadership on global trade, and provides much needed momentum to advance new and existing trade negotiations around the world.

While I do not believe the underlying bill went far enough in creating Congressional consultation, I was pleased with the inclusion of language creating a Congressional Oversight Group, comprised of members from all relevant committees, who are the briefed regularly, have access to negotiating documents and become accredited members to the U.S. delegation to ongoing trade negation. This measure also allows Congress to limit the ability of TPA procedures as a result of an Administration's failure to consult. And at the end of every negotiation, Congress retains the most important protection against an agreement that is not in our nation's interest—the right to approve or disapprove the final agreement.

I also believe passage of this legislation is needed to continue to foster economic growth worldwide. Indeed, trade and economic growth provides the mechanism to help our developing countries expand their middle class and improve their standard of living. Since the end of World War II, the liberalization of trade has helped to produce a six-fold increase in growth in the world economy and a tripling of per capita income that has enable hundreds of million of families escape from poverty and establish a higher standard of living. I believe passage of this bill helps us to continue to advance those goals which support not only our economic growth potential, but also helps preserve our national security.

This bill does provide for issue related to enforcement of labor and environmental laws to be principal objectives in any trade agreement negotiated under TPA and that there can be no backsliding on current law. This is a strong achievement when compared to earlier versions including the original Crane bill. This measure requires the President to determine a remedy to meet any non-enforcement, and I believe such a provision provides an Administration with the latitude necessary to negotiate reasonable enforcement provision, without mandating specific penalties—an action that would keep many of our prospective trading partners away from the negotiating table.

It would be wrong to ignore the public ambivalence regarding globalization, and we must recognize that while trade provides an overall benefit, there are those who lose, and the result can be devastating to working families and entire committees. It is important that as the bill works it way through the legislative process, that there is clear followthrough on commitments to provide enhanced unemployment assistance and health benefits. Further, I strongly urge that any final package include an enhanced and expanded TAA provision like that proposed in H.R. 3359. Lacking that, I and others, I believe, will find it hard to support a conference report.

Mr. MANZULLO. Mr. Speaker, as we debate trade authority, let's not forget the fastest growing and most exciting segment of American exporters—our small business exporters. Trade Promotion Authority surely will assist our negotiators in lowering barriers for this most promising engine of our exporting industries. Small businesses and family farmers in America will especially benefit from new trade agreements because exporting is the only sure way they can do business overseas. With Trade Promotion Authority, the President can more quickly ink foreign trade deals that will give our small businesses new markets to sell their goods and services.

The role of small business in our domestic economy is well documented. America's 25 million-plus small companies are the backbone of our economy. They create three of every four new jobs, produce most innovations, and generate over half of the nation's private gross domestic product.

The role of small business in international trade is less well known. In fact, small businesses account for nearly 97 percent of the total number of all U.S. exporters. The number of small business exporters has tripled over the past decade or so, increasing to over 224,000 small businesses directly involved in exporting. Small businesses now account for 29 percent of total merchandise export sales spread throughout every industrial classification. What is more surprising is that the fastest growth among small business exporters has been with companies employing fewer than 20 employees. These very small businesses represented 69 percent of all exporting companies in 1999. Obviously, trade is essential to their future and to all they employ—particularly at a time when our economy is facing difficulties. That's why groups like the Small Business Exporters Association has strongly endorsed H.R. 3005. Please find enclosed a copy of their letter to me.

Our nation also is poised to expand its exports in services, which is the fastest growing sector of our economy and one in which small firms thrive. In fact, the service sector accounts for 80 percent of U.S. Gross Domestic Product and U.S. employment—83 million jobs. These service jobs are good paying jobs—their average annual income of $32,865 a year slightly exceeds the average annual income of manufacturing jobs. Although we in Congress tend to think of trade primarily in terms of goods, our services trade is where we have our competitive edge. The U.S. is the world's largest exporter of services—services such as telecommunications and information technology, insurance, securities, banking and funds management, energy, legal and educational services, accounting, express delivery, travel and tourism. This sector has created more than 20 million new jobs since 1998, generates a $76.5 billion annual trade surplus, and provides the greatest opportunity to increase American prosperity through international trade. To capitalize on our competitive edge and gain the benefits in economic prosperity and jobs, we need to remove the many kinds of complex barriers that now block our trade.

In my own district in northern Illinois, small manufacturers are learning that if they want to remain in business they must begin tapping new markets in Canada, Mexico, and overseas. In 1999, the Rockford metropolitan area exported $857.2 million worth of goods and services, an increase of 64 percent since 1993, to practically every area of the world. As exporting opportunities become known, northern Illinois small and family owned businesses are taking advantage of them. For example, a tool and die business with 40 employees attended a successful trade mission to Mexico with the Administrator of the U.S. Small Business Administration.

Despite these encouraging statistics and trends, there is much more work to do. While small business exporters have more than tripled in number, they still form less than one percent of all small businesses in the United States. Even among these cutting-edge small firms, nearly two-thirds sold to just one foreign market in 1999. In fact, 76 percent of small business exporters sold less than $250,000 worth of goods abroad. In other words, many of these small firms are ''casual'' exporters.

The key is to encourage more small businesses to enter the trade arena and then to prod the ''casual'' small business exporters into becoming more active. If we were able to move in this direction, it could boost our exports by several billion dollars. We need to get these engines of our domestic economic growth fully engaged in the global marketplace. Hopefully, when Trade Promotion Authority is returned from the other chamber, it will contain a provision to create an Assistant United States Trade Representative for Small Business.

Trade barriers are insurmountable for small business. While most large companies can either export or set up a factory overseas, most small business exporters have only one choice—that is to export from America. In addition, there are many complicated issues that face small business exporters, such as streamlining foreign customs practices. Trade Promotion Authority will give the President the tools he needs to negotiate away these unfair trade barriers.

Trade Promotion Authority has been granted to the last six American Presidents. It simply gives the President the ability to negotiate trade agreements in a timely fashion. Once a trade deal is inked, the House and Senate have 90 days to approve it on an up or down vote. Under the version considered today, Congress will be more involved than ever in foreign trade deals because the bill creates a Congressional Oversight Group to oversee negotiations and consult with the Administration throughout the process.

Currently, more than 134 trade agreements exist in the world and the United States is party to only two of them. Trade Promotion Authority would help the President open new markets to American products, knocking down unfair tariffs and foreign trade practices and preserving and creating more high-paying jobs

in the United States. American jobs that involve exporting pay 13 to 18 percent more than other jobs.

Expanded trade is needed now more than ever. In these tough economic times, American workers need work. This legislation will not only preserve jobs, but it will give our employers new markets to increase their business so they can put unemployed Americans back to work where they belong.

Economic studies show that a new World Trade Organization (WTO) round would produce enormous benefits for the United States. If the round reduced existing tariffs and all service barriers by one-third, it has the potential to add $177 billion to the U.S. economy. Removal of all trade barriers would add $537 billion to the U.S. economy, $450 billion of which would be from services.

Services and agricultural negotiations need to be re-energized by a successful new trade round. Nothing would assist American success in these talks, and continuing bilateral and multilateral negotiations, than the passage of Trade Promotion Authority. Without a new round, these negotiations will run out of steam, and our companies, economy, and job-creation potential will suffer.

Renewing TPA will show our trading partners that we have the political will to start and conclude serious negotiations. I urge my colleagues' support of H.R. 3005.

SMALL BUSINESS EXPORTERS ASSOCIATION,

Washington, DC, December 5, 2001.

Rep. DON MANZULLO,

House Small Business Committee, 2361 Rayburn House Office Building, House of Representatives, Washington, DC.

DEAR REP. MANZULLO: As the Chairman of the House Small Business Committee, you are one of Congress, most committed advocates of small business growth and prosperity. The Small Business Exporters Association urges you to act on that commitment tomorrow—by voting for Trade Promotion Authority for this and future Presidents.

This issue is sometimes seen as a struggle between the priorities of big business and big labor. It is anything but. As the nation's oldest and largest association dedicated exclusively to small and mid-size US exporters, SBEA is hearing loud and clear from its members that TPA may well make or break their ability to compete globally.

Though the number of small business exporters in the US has tripled, reaching more than 200,000, smaller exporters face huge new challenges, and our progress is at risk. The high cost of the dollar in foreign currencies and the worldwide economic softening have dealt serious blows to our ability to sell abroad.

We're also losing customers as free trade agreements spread around the world—without the US—and our products grow more expensive as a result.

Big businesses can deal with the high dollar and the free trade agreements by shifting production overseas. Small business can't. Price us out of a market and we're out. America loses the sales, jobs and economic growth.

The vote on TPA tomorrow will send a powerful signal—whether Congress intends to strengthen a strategic growth area of the American economy, or accentuate a downward economic spiral.

SBEA understands that compromises will be necessary in the months ahead. There are many interests affected by US trade agreements. We support those compromises. But a vote against TPA is not a vote for compromise. It is a vote to end the discussion.

We hope that you will stand with small business tomorrow.

Regards,

JAMES MORRISON.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise not in opposition to free trade, or trade promotion authority. I come to the floor today to register my opposition to the form Chairman THOMAS and the Republican leadership have chosen H.R. 3005. For the ''Bipartisan Trade Promotion Authority Act of 2001'' is anything but, simply does not fully address the well founded concerns many Americans have about international trade policy.

Let me begin by stating that I am in favor of sensible, sustainable international trade. The United States is a major part of the global economy, and the health of this nation and its workers depends upon the ability of American producers and service providers to have access to markets to conduct business. It was Democratic President John F. Kennedy who stated, ''A rising tide lifts all boats.'' I firmly believe that in the case of international trade, this sentiment rings true, and that an economically stable world where every nation can aspire to a standard of living that reflects the elbow grease and ingenuity of its people is within our reach.

Mr. Speaker, I have genuine concerns about the current state of the global economy. Over the last two years economic slowdown has impacted the entire world. The Bush administration has finally acknowledged that not only are we in a recession, but that we have been a recession since March. The recent tragedies associated with September 11 and the U.S. Postal Service have shaken the confidence of this nation's workforce even more, and despite the thousands of jobs that have been lost, the families who have suffered the most from the sum total of events have been least on the agenda of the Republican Majority in this Congress.

My own district, Texas' 18th is a glaring example of the competition that exists between ensuring the stability of working families and adapting to the realities of the new global economy. Recently, the economic tide caught up with Enron, a major global employer in my district. Though I have every confidence in Houston to set the ship back on course, thousands of families will be the losers in the interim, and that weighs heavily on my mind.

International trade is vital to the health of my district. The Business Roundtable estimates that exports directly support 10,000 jobs in my district. Another 55,000 jobs with wholesalers and service providers either wholly or partially depend upon export sales. By the same token, though NAFTA has lead to a 100 percent increase in Texas exports to Canada and Mexico, this trade agreement has resulted in severe distress to America's steel industry. It has cost literally thousands of U.S. jobs and forced district manufacturers like Maas Flange to seek and obtain a remedy from the International Trade Commission.

Every Member here today can outline a similar set of tensions when determining the best course of action for their district. In the years since Trade Promotion Authority, or Fast Track, expired in 1994, we have had the opportunity to witness the need for free trade. We have also learned the reality that the trade rules can have a profound impact on labor forces as well as the local and global environments. As a legislator, I take seriously my constitutional obligations to balance these competing interests. Thus, I believe that any system of trade guidelines dispensed to the President should fully discharge our constitutional obligations and responsibilities to our respective districts.

H.R. 3005—railroaded through committee by Chairman THOMAS—does not strike this balance. At best, the legislation pays lip service to the concerns of the labor and environmental communities, and fails to substantively address the concerns of the American people that our trade policy be constitutionally sound.

To begin, H.R. 3005 does not require countries to implement any of the five core ILO standards; the right of association; the right to collective bargaining; bans on child labor; compulsory labor; or discrimination. H.R. 3005 requires only that a country enforce its existing law—whatever law that happens to be. Through proponents of the legislation claim that H.R. 3005 does require countries to consider labor standards, the bill constructs these core standards as mere ''general negotiating objectives.''

Thus, negotiation on, or implementation of, labor considerations in trade agreements enacted under this formula would not be subject to the economic realities of a global trade regime. Instead, they would be subject to the whims of the negotiators and their political agenda. The bill also requires countries to continue to enforce whichever labor standards they have, rather than recognizing the ILO conventions. Consequently, rather than ensuring that we foster positive labor standards with our trading partners in order to keep multinational corporations from exploiting foreign workforces to the detriment of their domestic workers, this bill would encourage it. No greater incentive to stabilize worker conditions around the world is contained in this bill, than in previous versions of Trade Promotion Authority that were voted down by this Body. Yet this bill is supposed to help create and keep American Jobs.

H.R. 3005 also falls severely short of incorporating the environmental externalities associated with international trade as a component part of the trade regime. This bill considers environmental objectives to be ''general negotiating objectives as well.

However, H.R. 3005 does not require any concrete action from U.S. negotiators. The bill requires only that the President ''consult'' with other countries and ''promote consideration'' of Multilateral Environmental Agreements. Thus, the bill contains no real assurances that the environment will be respected. H.R. 3005 would also allow greater rights for foreign investors in U.S. than U.S. firms due to its mimicry of NAFTA's chapter 11 rules regarding expropriation and takings, and it does not address key concerns raised under NAFTA investment rules that allow for the challenge of laws which are ''tantamount to expropriation.'' Last Minute changes to H.R. 3005 in this area are an indication of the flawed philosophy behind the Thomas legislation; the Leadership has paid too little attention too late in this process to convince this Body that labor and the environment are legislative priorities of U.S. international trade, and they should be.

Finally, this bill does not fully discharge Congress' Constitutional obligations regarding U.S. trade. Simply put, H.R. 3005 includes no effective mechanism for congressional participation in developing international trade. The

bill includes only more consultations and a recycled oversight mechanism from the 1988 law that was never used, which requires the Ways and Means and Finance Committees to act as gatekeepers. This function has never previously been utilized effectively, and there is no reason to assume this will change.

The Leadership of this House has made a mistake with this legislation. Recent trade agreements with Jordan and the Andean countries prove that Congressional priorities and international trade can be reconciled. Thus, to send a bill to the floor which does not ensure that the recent trends in U.S. Law are respected is an irresponsible way to conduct trade policy. As such, despite my support of free trade, I cannot support the trade regime fostered by this legislation.

Only H.R. 3019 fosters trade in a manner that considers its effects on workforces, the environment, our national sovereignty, and our constitutional obligations as members of Congress. The bill makes international labor standards a specific negotiating objective of the Free Trade Area of the Americas, and it requires the creation of a Working Group on Trade and Labor within the WTO. H.R. 3019 also provides a real mechanism for members of Congress to play an ongoing role in this increasingly important sector by structuring a review process of ongoing negotiations and increasing congressional oversight of negotiating objectives.

International trade is vital to the people of the 18th district of Texas. So too are their jobs, the environment, and the freedom of our nation. It is our mandate as legislators to balance these interests for the good of our nation. The H.R. 3005 version of trade promotion authority does not do this, and I therefore cannot support it. By putting politics before policy, the Republican leadership has ruined an opportunity to ''lift all boats,'' for only the H.R. 3019 version of Trade Promotion Authority has the opportunity to ride a ''rising tide'' of support to passage.

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise in opposition to H.R. 3005, the ''Fast Track'' Trade Promotion Authority bill and in support of the Rangel substitute in the motion to recommit.

As a member of this House and as a member of the California Assembly prior to my election to the House, I have been a long-time supporter of free trade policies. As a Californian, I understand very well the many advantages that come from open markets, the lowering of tariffs, and the elimination of other trade barriers that prevent American products from competing on a level playing field in overseas markets.

American workers are the most productive workers in the world, and consumers around the world desire quality American products. I strongly believe that given a level playing field, American companies will thrive in overseas markets.

I am also well aware of the value of open markets to American consumers. Americans are shrewd consumers. Their open-minded attitude in considering and purchasing quality goods produced in other countries instills competition in both American and foreign companies which, in turn, lowers prices for American families and increases their real income.

Knowing the many benefits of increased trade between the U.S. and other countries, I voted for the North American Free Trade Agreement (NAFTA), and for many years, I have supported legislation to increase trade, such as ''most favored nation'' status for China. I did so because of promises made to address the negative impacts of free trade agreements on U.S. workers and industries. However, once the trade agreement passed these promises were ignored and forgotten.

Since the passage of NAFTA, on numerous occasions, I have loudly voiced my concerns to Cabinet officials and trade negotiators about the necessity to live up to the promises to help displaced workers.

One such promise was the establishment of the Community Adjustment and Investment Program—CAIP—which was intended to provide financial assistance for American companies located in NAFTA trade-affected areas. In practice however, CAIP did little to help these companies. In fact, CAIP was never of any assistance to the garment industry located in my district, which experienced enormous job losses after the passage of NAFTA. CAIP's overly stringent eligibility requirements completely overlooked textile manufacturing companies too small to qualify or who did not meet the job loss threshold requirements. This essentially makes the CAIP program meaningless and ineffective.

Meanwhile, last year the Los Angeles Times reported that employment in the Los Angeles garment trade dipped below 100,000 for the first time since NAFTA was enacted in 1994, with nearly 13,000 jobs lost since 1997 alone. The jobs lost have almost exclusively been blue-collar sewing jobs.

Knowing that adequate and appropriate safeguards are not currently in place to help our nation's displaced workers, I cannot support extending Trade Promotion Authority to the President. I also cannot support this bill, because it does not sufficiently address my growing concerns regarding issues of labor standards, environmental protections, and congressional oversight on trade negotiations.

I regret that the Rules Committee has recommended a closed rule on this bill specifically blocking Democrats from offering amendments to address the concerns regarding this bill.

However, while I will oppose the Thomas bill, I will support the Rangel substitute in the motion to recommit. The Rangel bill includes provisions that address many of my concerns about labor rights, environmental protections, and congressional review. First, the Rangel substitute sets out clear negotiating objectives for labor standards. The Rangel substitute forbids slave labor, and outlines strict rules on the use of child labor, and on the freedom of workers to associate and bargain collectively. The Thomas bill, in contrast, has no requirement that a country's laws include any of the five core International Labor Organization standards.

Second, the Rangel substitute sets out clear negotiating objectives for environmental standards. The Rangel substitute would commit countries to enforcing their own national environmental laws and prevent them from waiving existing standards for the purpose of gaining a competitive advantage. The Thomas bill does little to ensure that environmental rules established by Multilateral Environmental Agreements have equal status to other provisions of trade agreements.

Third, the Rangel bill ensures a continuing and active role for Congress in setting U.S. trade policy. It does this by replacing the ineffective mechanisms included in the 1988 ''fast track'' law with a procedure for structured biennial review of ongoing trade negotiations subject to fast track. It also gives Congress an opportunity to pass a resolution of disapproval if the U.S. decides to inaugurate a new regional or multilateral trade negotiation. The Rangel bill helps to ensure that Congress is an active participant in important negotiations. The Thomas bill's approach is to view Congress as an occasional consultant.

In short, although it is not perfect, I believe the Rangel substitute addresses most of the legitimate concerns that have been raised about the negotiation of free-trade agreements.

Free trade agreements and free trade policies are desirable goals, but we should never forget that they also impact many Americans adversely. By requiring implementation of labor and environmental standards, together with the active involvement of Members of Congress both Republican and Democratic administrations are likely to construct trade policies consistent with our principles as a society.

The Rangel substitute is the best vehicle for achieving this goal. I urge my colleagues to support the motion to recommit and oppose the Thomas bill.

Mr. LIPINSKI. Mr. Speaker, trade is clearly an important component of our national economy. Accordingly, I strongly support fair trade laws that ensure a competitive foundation for American exports by promoting American values. Fair trade laws ensure that workers and the environment do not get exploited for short-sighted profits; free and unfettered trade agreements trade away American jobs. The language in H.R. 3005 provides hollow promises to the environment and American workers. For years, supporters of these agreements have argued that trade is the cure-all for the American economy. To the contrary, the U.S. economy has been struggling for some time now, and we have empty trade accords to thank for it. We simply cannot have free trade at any cost.

Clearly, now is not the time to pass fast-track authority. In the third quarter of this year, economic activity fell 1.1%; there is virtual agreement that the United States economy is in recession. Last year, the U.S. trade deficit reached a record $435 billion. Including interest payments, the United State's net foreign debt is 22% of the gross domestic product.

Not surprisingly, personal bankruptcies hit an all-time high of 1.4 million this year. The unemployment rate has been rising steadily, and the number of laid-off workers receiving unemployment benefits rose to 3.8 million last month, the highest level since I came to Congress. But there's more: Industrial construction is at its lowest level in 7 years. Since last July, 1.5 million U.S. manufacturing jobs have been lost, and 26 steel companies have gone bankrupt.

These conditions hit too close to home for my constituents. In my home state of Illinois, the fourth-largest economy in the union, economic activity has fallen for seven straight months. Output at factories in the Chicago area has contracted for 14 straight months. Last month, a Clorox plant in my district closed and laid off 95 workers. Furthermore, a 3M tape production facility announced it would be shutting down as well, displacing 270 hard-

working Chicagoans. Both companies cited the global economic downturn as the reason for these closures.

Mr. Speaker, given a fair environment, our workers will out-perform any competitors. But we cannot compete with countries that subjugate their environment and pay their workers 90 cents per day. Now, in the midst of a recession, we are asked to vote to further these problems. I urge a ''no'' vote on H.R. 3005. Now is definitely not the time for fast track authority.

Mr. ROEMER. Mr. Speaker, I rise today to voice strong support for free and fair trade but also my opposition to the Representative THOMAS' Fast-Track bill. As a cofounder and a current leader of the New Democrats, I am dedicated to finding new and innovative approaches to expanding our trade opportunities. Over the course of my six terms in Congress, I have demonstrated a strong record on free trade by voting for the General Agreement on Tariffs and Trade (GATT), the Africa Growth and Opportunity Act, the Caribbean Basin Initiative (BCI), Permanent Normal Trade Relations with China (PNTR), and most recently the Andean Trade Promotion Act.

The global landscape for trade among nations continues to grow in complexity, however, as more nations enter the international market to trade goods and services. Just as we advocate more efficient, fiscally responsible government that encourages economic growth, so must we support free and fair trade agreements that recognize the challenges faced by American workers in the age of globalization. The opportunity exists for the United States to act as a world leader by enacting strong trade provisions that protect the American worker and the environment. The Thomas bill missed this opportunity by failing to enact meaningful labor and environmental standards.

If you look at past free trade negotiations leading up to the Doha Ministerial Conference of the World Trade Organization last month, the incremental increase in complexity and detail involved in trade negotiations is striking. In 1979, the Tokyo Round Agreement included only six areas for negotiation. Some of these issued areas included tariff levels, government procurement, and technical product standards. In 1994, the Uruguay Round negotiations integrated upwards of sixteen areas for trade negotiation including new issues such as intellectual property rights and trade in agriculture. In November 2001, the Doha Ministerial WTO Negotiations included upwards of 26 areas for debate. Among the issues open for negotiation were anti-trust laws, electronic commerce, and product labeling to name a few.

As trade negotiations between nations involve more issues, there is absolutely no excuse to exclude new compliance standards regarding labor and the environment. This is the time for the United States to take the lead to ensure that American jobs are protected at home and that human rights laws are enforced by our trading partners.

The Thomas bill falls well short of a guarantee for strong labor standards. By merely requiring a country to enforce its own existing labor laws, the Thomas bill provides no U.S. leadership on the treatment of the world's laborers. In fact, the five core International Labor Organization (ILO) standards are not even enforced. A commitment to principles like opposition to forced labor and child labor should be non-negotiable priorities of any future trade deals. The Fast-Track proposal does not require that our trade partners agree to these basic standards. Furthermore, an incentive must be in place for our trading partners to achieve fair and responsible labor standards and under the Thomas bill this will not happen.

The Thomas bill falls short of any meaningful protections for the environment, as well. Because only voluntary negotiating objectives are in place, trading partners can lower their environmental standards to gain unfair trade advantages. Furthermore, the Thomas bill does not block foreign investors lawsuits from challenging domestice environmental laws.

In conclusion, Mr. Speaker, during these times of uncertainty brought about by the war on terrorism and an apparent economic slowdown, we must heed the challenge to think anew when it comes to U.S. Trade Policy. We must balance our commitment to trading our goods and services abroad while also ensuring the protection and well-being of our workers. The Thomas bill is unbalanced and would represent a step backwards in our pursuit for free and fair trade.

Mr. GILMAN. Mr. Speaker, I commend the diligent efforts of the distinguished chairman of the Ways and Means Committee, the gentleman from California, Mr. THOMAS, my colleagues and their staff members in drafting and sponsoring H.R. 3005, the Bipartisan Trade Promotion Authority Act of 2001.

This measure has been referred to as the most environmentally and labor responsive legislation regarding Trade Promotion Authority (i.e. Fast Track) to be sponsored by the Congress. However, I share the concerns raised by my constituents in that H.R. 3005's labor and environmental standards do not go far enough to ensure a level playing field in trade agreements. H.R. 3005 refers to environmental and labor provisions as negotiating objectives. Nevertheless, our trade history reveals that during the past 25 years including labor rights, and now environmental rights, as ''negotiating objectives'' do not guarantee that these provisions will actually be included in trade agreements. The geopolitical and trade landscape has changed. Of the 142 members comprising the World Trade Organization (WTO), 100 are classified as developing nations and 30 are referred to as lesser-developed nations. Why is this important? It is important because with China's accession into the WTO, those 130 nations will then become more forceful in promoting their own trade agendas. What H.R. 3005 does is create an incentive for a nation to create a more favorable trade agreement for itself by lowering its environmental and labor standards. At best, many of these nations' labor and environmental standards are substandard.

As drafted, the overall negotiating objective of H.R. 3005 is to promote respect for worker rights. My constituents are concerned that the worker rights provisions do not guarantee that ''core'' labor standards are included in the corpus of prospective trade agreements. By core labor standards, I refer to the International Labor Organization's 1998 Declaration on Fundamental Principles and Rights at Work: freedom of association, the right to organize and for collective bargaining, and the rights to be free from child labor, forced labor and employment discrimination, which many people throughout the world are confronted with.

My constituents are troubled that H.R. 3005 does not require any signatory to an agreement to improve or even to maintain that its domestic laws comply with the standards of the International Labor Organization. Among H.R. 3005's principal objectives is a provision entitled labor and the environment, which calls for the signatories to trade agreements to enforce their own environment and labor laws. Our nation as a leader in the global trade community must set the example by encouraging our prospective trading partners to raise their labor and environmental standards before we enter into any trade agreements with them. In the end, it will be the United States which is called upon to provide the resources to clean up environmental disasters and to bail out collapsed economies that failed as a result of substandard labor conditions.

Through their first-hand accounts, my constituents report that workers in many nations in which we seek to enter into bilateral and multilateral trade agreements are subjected to exploitation, harassment and worse for exercising their rights to collective bargaining, and are forced to work under harsh conditions. For example, in our own hemisphere more than 33 percent of the complaints filed with the International Labor Organization's Committee on Free Association originate in the Andean region. I understand that new labor laws in Bolivia, Ecuador, Colombia, and Peru undermine the right to collective bargaining, and there are scores of reports from NGO's regarding unconscionable violations of the most fundamental rights for workers and their union representatives. The AFL–CIO reports that since January 2001, more than 93 union members in Colombia have been murdered, while the perpetrators have gone unpunished.

How the United States engages in trade negotiations and its practices are crucial not only for our future, but for our democratic process. Since our Nation's conduct is scrutinized worldwide we should set the right example. Events during the recent World Trade Organization negotiations in Doha, Qatar have made this fact even more apparent. That organization is seeking to adopt a worldwide ''Investor-State Clause'' during its next round of discussions. This clause was written into Chapter 11 of the North American Free Trade Agreement (NAFTA) for the purpose of protecting businesses from expropriation by foreign governments. However, its application deviates from its original purpose of protecting signatories from expropriations.

NAFTA Chapter 11 cases such as Methanex v. United States, allow a foreign investor to sue a signatory government if their company's assets, including lost profits and other intangibles are damaged by our laws or regulations. The provisions of Chapter 11 call for an arbitration panel, which meets in secret, and its findings are not subject to public disclosure.

NAFTA's Chapter 11 standard of proof is much lower than what our own courts would require in a commercial case. The standard is whether the regulation illegitimately injured a company's investments and can be construed as an expropriation, which generally requires a physical taking of property or assets, even though in Chapter 11 cases no assets were physically taken. By virtue of this provision, our laws may be challenged in ways not foreseen by our Congress and in ways that are inconsistent with our own court's judicial interpretation, which are rendered irrelevant by

NAFTA's Chapter 11 provision. Methanex is seeking 970 million dollars.

Mr. Speaker, we must seek out ways to make trade compatible with conservation of the environment and by adhering to core labor and environmental standards that are both incorporated into the body of a trade agreement and enforceable.

Accordingly, I am not able to support H.R. 3005.

Mr. TIAHRT. Mr. Speaker, I rise in strong support of the Trade Promotion Authority Act of 2001. This important legislation will allow the United States to negotiate trade agreements in order to increase exports and stimulate our economic recovery here at home. It will also enable the President and Congress to work together to advance our interests around the world by guaranteeing Congress substantial participation in trade negotiations and allowing the President the authority to sign meaningful agreements.

Today's economy is dependent on global trade. Therefore, American businesses must have access to foreign markets. There must be a level playing field. Farmers throughout my state of Kansas depend on foreign markets to purchase significant portions of their crops and livestock. And in a time where productivity exceeds the ability of the domestic market to absorb current production levels, the need to create overseas customers is more important than ever. In fact, Agriculture must export one-third of its production because it is nearly three times more dependent on exports than other sectors.

Mr. Speaker, it's not just agriculture which benefits from free trade. Boeing, the largest exporter in the United States, sells more than half of its commercial planes to overseas customers. Last year, the company, which employs nearly 200,000 Americans, reported that one-third of its sales were to international customers.

Expanded trade has never been more important. Economists agree that America is in a recession and we must work to get our economy moving again, This is an opportunity to boost the economy by opening new markets.

This bill ultimately saves American consumers money, it increases American exports, it creates American jobs, and it guarantees that the United States will remain the world's economic leader.

I urge my colleagues to vote ''yes'' on the Bipartisan Trade Promotion Authority Act.

Ms. HARMAN. Mr. Speaker, this has been a long day in a needlessly partisan fight.

I support Trade Promotion Authority and have voted for it in the past. The bill I voted for in 1998 is not as good as the text before us today.

I represent a trade-dependent district, and understand very well why trade helps our economy.

But context matters. Our country was in a serious economic recession before September 11, and now faces enormous hardships just as the holiday season arrives. Forty-one thousand workers are out of jobs in the communities surrounding Los Angeles International Airport. Their airline and airport-affiliated jobs evaporated in the aftermath of 9–11.

Workers first, Mr. Chairman. Those workers and those negatively impacted by September 11 and trade must be helped first before we pass TPA.

I support the package of worker benefits that the House leadership supports: $20 billion for unemployment, health insurance and worker training. The President has told me he supports it too.

My wish was that working together we could vote and pass it first as evidence that we would keep our promises to workers.

Sadly we didn't. Sadly I can't support TPA today until we do.

Mr. STENHOLM. Mr. Speaker, I rise in support of Trade Promotion Authority. As a lifelong supporter of improved trade opportunities for American producers, my inclination always is to begin with a favorable disposition toward trade bills which come before Congress. I am convinced that American producers can, and do, win with freer and fairer trade. Certainly, not every conceivable trade bill deserves support but, in general, I am strongly persuaded that increased trade opportunities improve the lives and pocketbooks of American workers. I also believe that enhanced trade is a potent mechanism for America to export our values, practices and democracy along with our products.

Unfortunately, early messages from the current administration forced me to question whether enhanced trade authority would be prudently used if granted this year. In particular, I was sorely disappointed by statements by the current Administration which made me doubt their understanding of both domestic and international farm policies and, particularly, the impact of those policies on the producers of our Nation's food and fiber. I am not going to be party to a unilateral disarmament of our farmers and ranchers for someone else's partisan philosophical reasons.

Furthermore, the early handling of this issue by both the Administration and the House leadership confirmed what has appeared to me throughout the year as legislative arrogance. While it may be numerically possible to pass bills with Republican-only votes, ultimately there is a price to be paid for this sort of shortsighted partisanship by either party. Successful trade legislation always has required bipartisan support; when the well of good will has been drained by earlier legislative battles fought entirely on partisan grounds, issues like trade arrive with inadequate troops supporting the effort.

All of that being said, I am reassured both by several conversations I personally have had and by those which have been reported to me from colleagues who share some of my concerns. As a naturally optimistic person, I am willing to hope that this experience might signal an awakening to political and legislative realities by some important players in both the executive and legislative branches.

With my chairman on the Agriculture Committee, I am supporting the trade promotion authority legislation before us today. I do believe that the enhanced congressional consultation and oversight in the current bill are vital for ensuring that our constituents' views and needs are respected by our trade negotiators. I highly commend this and other improvements made by my colleagues JOHN TANNER, BILL JEFFERSON, and CARL DOOLEY.

The truth about trade is that there always are both successes and failures, winners and losers. But for the Nation as a whole, trade is a net positive.

When it comes to agriculture, the successes have outweighed the failures. American farmers and ranchers now make a quarter of their sales to overseas markets; U.S. agriculture consistently enjoys a trade surplus; and next year agricultural exports are expected to reach $54.5 billion, producing a trade surplus of $14.5 billion. But that is just a fraction of what could be possible with freer and fairer markets.

According to the U.S. Trade Representative, NAFTA, and the Uruguay Round have resulted in higher incomes and lower prices for goods, with benefits amounting to $1,300 to $2,000 a year for an average American family of four, NAFTA has also produced a dramatic increase in trade between the United States and Mexico. In 1993, United States-Mexico trade totaled $81 billion. Last year, our trade hit $247 billion—nearly half a million dollars per minute.

U.S. exports to our NAFTA partners increased 104 percent between 1993 and 2000; U.S. trade with the rest of the world grew only half as fast.

Increased trade supports good jobs. In the five years following the implementation of NAFTA, employment grew 22 percent in Mexico, and generated 2.2 million jobs. In Canada, employment grew 10 percent, and generated 1.3 million jobs. And in the United States, employment grew more than 7 percent, and generated about 13 million jobs.

But as I said before, I acknowledge that there are those who do not win in the short run under certain trade situations. For workers who have lost in trade in the past, I also believe that the best—and perhaps only—way to fix what has failed is through new negotiations, which level the playing field. We must speak with a unified voice that is forged through a close partnership between Congress and the executive branches. That is envisioned in the compromise bill.

We in agriculture have only begun to reap the benefits of a half century of trade negotiations under GAIT and the WTO, which have reduced the average tariff on industrial goods to about 4 percent. That is a fraction if the 62 percent tariff that is imposed on our exports of agricultural products.

Indeed, reform of agricultural trade policies begun in the Uruguay Round provided not only additional market access for agriculture but, perhaps more importantly, it provided the necessary framework to improve market access in future negotiations.

Now is the time to press forward with additional trade reforms that will improve market access for our agricultural products.

In addition to tariff barriers, U.S. agricultural exports must compete with subsidies from foreign governments. Europe alone spends 75 times more in agricultural export subsidies than does the United States. In fact, Europe spent $91 billion last year to support agriculture, almost twice the $49 billion spent by the United States.

Europe is aggressively pursuing trade agreements with other countries, already securing free-trade or special customs agreements with 27 countries, 20 of which it completed in the last 10 years. And the EU is negotiating another 15 accords right now. Last year, the European Union and Mexico—the second-largest market for American exports—entered into a free trade agreement. Japan is negotiating a free-trade agreement with Singapore, and is exploring free trade agreements with Mexico, Korea, and Chile.

There is a price to pay for our delay in negotiating new trade agreements. For example,

U.S. exports to Chile face an 8-percent tariff, but Canada exports to Chile without the tariff because of the Canada-Chile trade agreement. As a result, United States wheat and potato farmers are now losing market share in Chile to Canadian exports.

American farmers and ranchers can't afford for us to stand by and watch the world write new trade rules. The United States needs to lead a new round of negotiations, and we need trade promotion authority to do it.

I encourage my colleague to support the compromise bill today and you will be supporting American farmers and ranchers as well as other business men and women who have the capacity to strengthen our economy as well as their own livelihoods if they are just given the chance.

With millions of jobs and billions of dollars at stake, we cannot afford to be partisan or cavalier with this vote. My hope is that this week we will produce not only a legislative victory on Trade Promotion Authority but also a blueprint for greater respect and improved working relations between the parties on substantive national policy.

Mr. UDALL of Colorado. Mr. Speaker, I cannot vote for this bill.

I believe in free trade and am philosophically opposed to protectionism. I am particularly sensitive to the economic challenges faced by the ''high technology'' sector of our economy, and believe that there was an opportunity to craft a bill that would have secured broad bipartisan support on trade. Unfortunately, this bill falls short of that bipartisan promise.

The stakes on trade promotion authority—or ''fast track''—have changed, along with the global trade landscape. Easing barriers to trade no longer simply involves tariffs or quotas. In our increasingly globalized world, trade negotiations involve areas that used to be considered U.S. domestic law—from regulatory standards and antitrust laws to food safety and prescription drug patents, to name just a few.

And because the trade landscape has changed, I—along with many of my colleagues—believe that the way in which we go about negotiating those trade agreements should be different than it has been in the past, when Congress agreed to limit its role in this important aspect of national policy.

Now, even more than before, broad support is needed for any bill that would relinquish the authority of Congress to represent the nation by reviewing agreements or decisions reached by the Executive. If we are going to vote to reduce congressional review and give favorable treatment to trade agreements, we should at least provide that these agreements meet certain minimum standards. The stakes—for American workers and for the environment—are too high for us to do otherwise.

In June of this year, the gentleman from Illinois, Mr. CRANE introduced a fast-track bill that was roundly criticized as not providing a strong enough role for Congress and not addressing concerns about labor or environmental standards. As Ways and Means Chairman THOMAS prepared his revised legislation, many of my colleagues and I had hoped that he might have better understood that building a bipartisan consensus requires consultation of Members on both sides of the aisle. Only then could Chairman THOMAS's bill have correctly been named the ''Bipartisan Trade Promotion Authority Act.''

So I was disappointed when H.R. 3005 was introduced, as it was clear that Chairman THOMAS wasn't willing to work to gain broad support for his bill. In contrast, in my view, the version of the legislation introduced by Ways and Means Ranking Member RANGEL and Trade Subcommittee Ranking Member LEVIN would take important steps in the right direction and would provide a better foundation for developing sound legislation.

But the rule under which this bill is being debated does not even provide for consideration of the Rangel-Levin bill as an alternative. Although the rule does make some slight improvements to the Thomas bill, the changes are too little and too late.

It is incumbent on us in Congress to continue to work to update our trade policy to take account of this changed landscape. That means we need a trade promotion bill that includes a stronger role for Congress, and stronger environmental and labor provisions. The Thomas bill before us does not measure up, and I cannot support it.

Mr. MURTHA. Mr. Speaker, I urge the House of Representatives to reject this ''fast-track'' trade legislation—this bill will not meet our trade goals, and will hurt rather than help our needed economic recovery.

Many industries, such as the U.S. steel industry, are being hard-hit by subsidized foreign imports, yet this bill does not require U.S. negotiators to seek wide protections such as the United States needs from such dumping by foreign countries in key areas such as steel, lumber, cement, and agriculture products.

Moreover, this bill will not attack the key trade steps we need to take—rather, we need a revised U.S. trade policy that will eliminate the record-level trade deficit, protect U.S. jobs and the U.S. economy, and promote U.S. exports. This bill before the House of Representatives will only mean more U.S. jobs lost to overseas, subsidized manufacturers.

The U.S. can compete with any nation in the world as long as the competition is fair, but this legislation will actually encourage other countries to avoid U.S. anti-dumping laws, and worsen rather than strengthen our economy. It also fails to strengthen overseas worker rights and require environmental progress.

Yes, we need a revised U.S. trade policy, but we need one that protects U.S. jobs and stimulates economic growth. This bill does not reach that goal at all, and it should be rejected by the House of Representatives as a statement that we will stand-up for the U.S. economy and protect U.S. jobs rather than sending business and jobs overseas.

Mr. STARK. Mr. Speaker, I rise today in strong opposition to H.R. 3005, a bill to grant the President fast track trade negotiating authority. The bill before us today is weaker on labor and environmental language than the 1988 fast track bill used to negotiate the North American Free Trade Agreement (NAFTA). As witnessed by the surge of imports and loss of millions of jobs since NAFTA's enactment, Congress must hold the President accountable for negotiating trade agreements that are stronger than that of NAFTA—not weaker.

While gross U.S. exports rose 61.5% between 1994 and 2000, presumably as a result of NAFTA, imports rose by 80.5% over the same period resulting in over 3 million trade-related job losses. California led the states in job losses with over 300,000 jobs lost to NAFTA's explosion in imports. Proponents of the last fast track bill assured us that more jobs would be created than would be lost. Clearly, this is not the case. Now, Mr. THOMAS is asking Congress to support a bill that is weaker than the fast track language used to negotiate NAFTA. I warn my colleagues not to be fooled into believing that promises made to provide benefits in an economic stimulus package to workers who have recently lost their jobs, will come close to justly compensating the millions of workers who have already lost their high-paying manufacturing jobs. Nor will it suffice in protecting those who have yet to see unemployment from the trade negotiations that have yet to be signed.

I want to make one thing clear: H.R. 3005 does not help U.S. workers. This bill is intended to protect and promote multinational investments. The bill neglects to provide any enforceable requirements that the U.S. Trade Representative (USTR) negotiate any of the five core International Labour Organization standards. We need USTR to negotiate an agreement that commits countries to implement and enforce in their domestic laws both the right to associate and bargain collectively, and prohibitions on child labor, compulsory labor and discrimination in hiring. When workers are not given these basic rights, they are exploited. This is what has happened with NAFTA. Workers in the U.S. are given these rights but this is not the case in Mexico. So rather than continue to pay a decent wage to a U.S. union worker, a factory owner can move the business to a country where there are no labor laws and labor costs are lower than in the U.S. Although Mexico has seen a significant increase in manufacturing with NAFTA, Mexican manufacturing workers have seen a 21% decrease in their wages. Mexico's burgeoning middle class has yet to materialize and the working poor have spiraled deeper into poverty. Clearly, the 1988 fast track negotiating authority hurt U.S. workers as much as it hurt Mexican workers. Congress must insist on stronger trade negotiating objectives to protect U.S. workers as well as the exploited workers around the globe. The Thomas proposal fails to do so.

Under NAFTA's Chapter 11, corporations have been given unprecedented immunity from domestic statute through global trade agreements. H.R. 3005 embraces NAFTA's Chapter 11 provisions, which vitiate U.S. statute in deference to foreign corporations. This has the consequences of hurting the environment as well as public safety. Intended as an investor protection measure, Chapter 11 allows foreign-based corporations to seek damages from governments that engage in protectionist behavior and interfere with corporations' abilities to fully realize anticipated profits.

Californians have confronted the ludicrous protections Chapter 11 provides for investors while consumer safety and the environment are made to suffer. The Canadian-based Methanex Corporation has sued the U.S. under NAFTA's Chapter 11 provisions, because California's phase-out of the harmful gasoline additive, MTBE, has hurt the price of Methanex stock. MTBE contaminated California's drinking water due to underground gasoline storage tank leaks. Logically, California lawmakers have ordered the additive out of their gasoline, even if it means slightly higher gas prices at the pump. However, if the

closed-door NAFTA dispute panel decides in favor of Methanex, taxpayers could be slapped with a billion dollar fine. The Thomas proposal before us does nothing to address this egregious flaw in the NAFTA agreement. In fact, it encourages similar provisions in future trade agreements.

The current fast track bill being considered does nothing to protect U.S. jobs, does nothing to protect the environment and does nothing to protect U.S. consumers. Until such issues are addressed in binding legislative language. I cannot support fast track trade negotiating authority. I encourage my colleagues to do join me and vote no on H.R. 3005.

Mr. PAUL. Mr. Speaker, we are asked today to grant the President so-called trade promotion authority, authority that has nothing to do with free trade. Proponents of this legislation claim to support free trade, but really they support government-managed trade that serves certain interests at the expense of others. True free trade occurs only in the absence of interference by government, that's why it's called ''free''—it's free of government taxes, quotas, or embargoes. The term ''free-trade agreement'' is an oxymoron. We don't need government agreements to have free trade; but we do need to get the federal government out of the way and unleash the tremendous energy of the American economy.

Our founders understood the folly of trade agreements between nations; that is why they expressly granted the authority to regulate trade to Congress alone, separating it from the treaty-making power given to the President and Senate. This legislation clearly represents an unconstitutional delegation of congressional authority to the President. Simply put, the Constitution does not permit international trade agreements. Neither Congress nor the President can set trade policies in concert with foreign governments or international bodies.

The loss of national sovereignty inherent in government-managed trade cannot be overstated. If you don't like GATT, NAFTA, and the WTO, get ready for even more globalist intervention in our domestic affairs. As we enter into new international agreements, be prepared to have our labor, environmental, and tax laws increasingly dictated or at least influenced by international bodies. We've already seen this with our foreign sales corporation tax laws, which we changed solely to comply with a WTO ruling. Rest assured that TPA will accelerate the trend toward global government, with our Constitution fading into history.

Congress can promote true free trade without violating the Constitution. We can lift the trade embargo against Cuba, end Jackson-Vanik restrictions on Kazakhstan, and repeal sanctions on Iran. These markets should be opened to American exporters, especially farmers. We can reduce our tariffs unilaterally—taxing American consumers hardly punishes foreign governments. We can unilaterally end the subsidies that international agreements purportedly seek to reduce. We can simply repeal protectionist barriers to trade, so-called NTB's, that stifle economic growth.

Mr. Speaker, we are not promoting free trade today, but we are undermining our sovereignty and the constitutional separation of powers. We are avoiding the responsibilities with which our constituents have entrusted us. Remember, congressional authority we give up today will not be restored when less popular Presidents take office in the future. I strongly urge all of my colleagues to vote NO on TPA.

Mr. OXLEY. Mr. Speaker, a vote in favor of Trade Promotion Authority today will be a vote in favor of U.S. workers, it will be a vote in favor of increased exports, and it will be a vote in favor of economic growth.

This bill will have a positive effect on all aspects of the U.S. economy, not the least of which will be the services sector.

Last year the U.S. exported $295 billion in services, compared to imports of $215 billion, leading to an $80 billion surplus in services trade.

Between 1989 and 1999, 20.6 million new U.S. jobs were added to the economy in service related industries. These knowledge-based jobs account for 80% of the total private sector employment in the U.S.

Today we have the opportunity to either expand this number by voting in favor of H.R. 3005, or to begin to erode these impressive figures by denying the President the tools he needs to negotiate strong free trade agreements.

As Chairman of the Financial Services Committee I understand how important this bill is to maintain our competitiveness in the international arena. Earlier this year, the Committee held hearings in which representatives from the insurance, banking and securities industries testified that barriers to overseas markets will severely affect their ability to compete with foreign based financial service providers.

Financial services firms contributed more than $750 billion to U.S. Gross domestic Product in 1999, nearly 8% of total GDP. Over 6 million employees support the products and services these firms offer. TPA will eliminate impediments to foreign markets and enable financial service providers to continue to act as the engine that drives economic growth.

Approximately 80 percent of the world's GDP and half of the world's equity and debt markets are located outside the U.S. More than 96% of the world's population resides overseas, with India and China alone accounting for 2.3 billion people. Many of the best future growth opportunities lie in ''non-U.S.'' markets.

If U.S. service providers cannot access these markets or operate on a level playing field overseas we will be left behind by foreign financial service providers.

I strongly urge my colleagues to join me in supporting H.R. 3005. Our workers need it, our exporters need it and our economy needs it.

Mr. SHAYS. Mr. Speaker, trade promotion authority enhances the United States' ability to negotiate agreements that help American workers and businesses. Just as we can't repeal the laws of gravity, we can't ignore the fact that we live in a world with a global economy.

It is estimated if global trade barriers could be cut by just one-third, the world economy would grow more than $600 billion each year. Talk about economic stimulus—this is it!

Trade promotion authority will open new markets. Without this authority, trading partners will not put forth meaningful offers. Tariffs on American products won't be reduced, and our economy will grow at a much slower rate.

Passing this bill signals to the world we are committed to global trade and free markets. It allows the United States to take a leadership role in building international trading systems based on American principles of market-based economics and fair play.

Giving the President the authority to negotiate trade agreements is good for Connecticut, the United States and every country involved.

Exports accounted for almost one quarter of all U.S. economic growth in the last 10 years. Trade promotion authority should pass without delay.

Mr. PALLONE. Mr. Speaker, this debate on ''Fast Track'' is not about whether or not the U.S. should be participating in the global economy—we all agree on that. This debate is about HOW we are going to participate in that economy.

In this time of economic recession, I feel that we have responsibility to the American worker and the workers around the globe to ensure that American labor standards are enforced globally. It is unacceptable that American jobs are being shipped overseas to countries that refuse to pass or enforce minimal labor protections.

As many of us can remember all too well, Fast Track Trade Authority was last used to pass the North American Free Trade Agreement (NAFTA) in 1993. While the Administration claims that NAFTA is a resounding success, I contend that this is far from the truth.

It is estimated that NAFTA has cost nearly 1 million U.S. manufacturing jobs and tens of thousands of family owned farms to go out of business. In my home state of New Jersey, alone, it is estimated by the U.S. Department of Labor that more than 20,000 jobs were directly lost due to NAFTA's scope.

NAFTA has also been a disaster in the area of environment protection and public health. Since passage, pollution also in the U.S. Mexico border has created worsening environmental and public health threats in the area. Along the border, the occurrence of some environmental diseases, including hepatitis, is two or three times the national average, due to lack of sewage treatment and safe drinking water.

This is unacceptable. In my mind, no matter what this Administration promises, Fast Track only causes the quality of life in America to be compromised.

My friends—I say, fool me once, shame on you. Fool me twice, shame on me. I urge my colleagues—don't be fooled again. We have already allowed the word of past Administrations cost thousands of American jobs and further destroy our environment. Let's not make the same mistake again.

Vote ''no'' on Fast Track.

Mr. DAVIS of Florida. Mr. Speaker, I rise in support of H.R. 3005, the Bipartisan Trade Promotion Authority Act (''TPA''), which will open up new markets for our businesses here in the United States. This bill is about breaking down trade barriers abroad and expanding opportunities for American workers. This legislation recognizes the reality of today's global economy and equips our country with the tools necessary to maintain America's leadership throughout the world.

I would be remiss if I did not voice my concern about the timing of today's debate. At times like this, we must work together. Yet for a number of understandable reasons, this bill is far from enjoying bi-partisan support. Nevertheless, I do not control the agenda; thus, here we are debating the bill without the fullest support it could enjoy.

The evolving nature of the trade debate is evident. Instead of discussing whether to address labor and environmental issues in the text of TPA and future trade agreements, Congress is discussing how to address these concerns. I believe this bill has taken a giant step forward since the last floor vote in 1998. While not perfect, for the first time ever in a TPA bill labor and environmental standards will receive parity in enforcement alongside subjects covered in trade agreements such as foreign investment and intellectual property. This is in stark contrast to the Archer TPA bill which called for preventing countries from weakening labor and environmental standards to attract investment but was silent on enforcement. Clearly, H.R. 3005 moves the trade debate forward.

Mr. Speaker, the simple fact that 96 percent of the world's consumers live outside of our borders is irrefutable evidence that in order to grow our economy, we must grow our exports. Hence, international trade is critical to our nation's continued economic expansion.

An estimated 12 million jobs in the United States depend on exports of goods and services. Furthermore, opening markets has created more than 20 million new jobs in the US since 1992. Jobs related to exports generally pay as much as 18 percent more than the national average. Consumers also benefit in the form of affordable prices for many products. In fact, our existing trade agreements provide annual benefits of $1,300 to $2,000 for the average American family of four from the combined effects of lower prices and increased income.

Free trade is not exclusively for the giant business conglomerates. Our trade agreements enable small (less than 100 employees) and medium size businesses (less than 500 employees) to compete in international markets. According to the Department of Commerce, in 1998, more than 92 percent of Florida's 22,295 exporting companies were small and medium sized businesses. In the district I represent, 85 percent of exporters are small businesses that employ fewer than 100 employees.

Mr. Speaker, international markets are vital to my state's economic well-being. Florida's economy is export-dependent, with export sales of $1,515.00 for every state resident. Florida merchandise and agricultural exports support an estimated 183,700 jobs, while service industry exports support an estimated 364,000 jobs. Last year, in the Tampa Bay area alone, nearly 500 local companies and independent business people profited from approximately $2.6 billion in exports to international markets.

My fellow colleagues, we need to pass TPA as soon as possible. Unless we pass TPA, our businesses and workers will be forced to sit on the sideline and watch our global competitors take advantage of free trade agreements. Of the more than 130 free trade agreements (FTAs) in force worldwide, only 3 include our country. One of our main trade competitors, the European Union, has free trade agreements with 27 countries.

Mr. Speaker, the Free Trade Area of the Americas (FTAA) will be virtually impossible to negotiate by 2005 without TPA. The FTAA is setting the stage for significant trade opportunities—particularly, the opportunity to assure that the rules of trade that will be developed are fair and sufficiently advantageous to our country. It is an agreement that will benefit 34 countries, consisting of 800 million people with a combined GDP of $13 trillion. The potential benefits of increased trade with Latin America for our nation and the State of Florida are tremendous. In Florida, Latin America and the Caribbean are our most important markets, accounting for about 80 percent of all exports from the state. Furthermore, over the past three years, eight of the top 10 Florida-origin export destinations were FTAA countries. As for Brazil, one of Florida's largest export destinations, the average Brazilian tariff on U.S. goods is almost 14 percent, compared with under 3 percent for Brazilian products entering the U.S.

Mr. Speaker, as I have said in the past, I recognize that increased global competition will put some industries at risk and that with the overwhelming number of winners there will be some losers. We will have to work harder to ensure every American worker can participate in our global economy, and the government has an important role to play in educating, training and retraining today's and tomorrow's workers with the skills they need not just to survive but to prosper in an increasingly global economy.

By passing TPA, the Congress is delegating a significant amount of authority to the executive branch. Thus, it is essential that the Congress have a meaningful role during the trade negotiating process, while recognizing the importance of providing flexibility necessary to the United States Trade Representative (USTR) to negotiate the best deal possible for America. In the future, I expect the executive branch to work closely with the Congress throughout any trade negotiations as required by this legislation.

Mr. Speaker, in conclusion, this legislation is critical for the United States. TPA will empower the President to negotiate trade agreements that will open more markets for American goods and services, create jobs, and reduce costs for farmers, workers, consumers, and entrepreneurs. Refusal to pass TPA would put American workers at a disadvantage.

I urge my colleagues to vote ''yes'' on H.R. 3005.

Mr. EVANS. Mr. Speaker, my district is composed of hard working Americans who build tractors, refrigerators, and furnaces. Blood, sweat and tears are what brings home the bacon in my district. But their way of life is endangered by both this bill and our flawed trade policy.

This year, two steel mills in my district closed their doors forever. I have witnesses numerous other manufacturing plants close because they are not allowed to compete fairly against foreign imports. Some of these very companies have reopened facilities overseas only to export their products back into the U.S.

In the past few months, I have assisted hundreds of my layed-off constituents in filing for unemployment and TAA benefits. These hard working folks have lost their jobs because we have set course on a flawed trade policy that puts cheap imports ahead of their good paying jobs. Trade Promotion Authority is a dangerous leap of faith for an administration that has pursed a unsound trade policy.

Our flawed trade policy has most recently led to the demise of our nation's steel industry. The inaction of Congress and the willingness of the President's chief trade negotiator to eliminate anti-dumping regulations has driven US steel into the ground. And we want to give them even more authority to negotiate trade agreements?

Mr. Speaker, my district is blessed with thousands of acres of the most fertile farmland in the country where John Deere revolutionized agriculture with the invention of the steel plow. The farmers in my district have struggled as corn and soybean prices have dropped in half over the last five years. In these times of rock bottom crop prices, they depend more than ever on farm subsidies. But, in the infinite wisdom of our trade policy we have offered to eliminate these indispensable price supports. I cannot in good faith support a fast track bill at the same time the administration tries to kill the price supports that my farmers depend on.

I am further ashamed our flawed trade policy does little to further human rights. We blindly turn our heads when countries use children, prisoners, and slave labor to undercut American workers. This does not represent the values of the people I represent, but it represents the trade policy of an administration that now wants even more latitude in trade negotiations.

Mr. Speaker, I am proud to represent a working class district, where folks still make a living by the sweat of their brow. I made a promise to protect their jobs and support their economic security. This administration has instead pursued a flawed trade policy and has let them down at every major trade negotiation. They now want even more latitude in negotiating trade agreements. My Colleagues, I cannot and will not support this administration's request for fast track authority and urge you to vote against this bill.

Mr. POMEROY. Mr. Speaker, I rise in opposition to H.R. 3005, a bill to provide the President with the authority to negotiate international agreements and submit them to Congress for and up-or-down vote, without amendment.

Last month, the United States and other members of the World Trade Organizations launched a new round of trade negotiations. The members agreed to a far-reaching agenda, covering topics from e-commerce to manufactured goods to financial services and, most importantly to North Dakota, agriculture. With such an ambitious agenda to tackle, an agreement is not expected for at least four years.

For agriculture, the new agenda gives us cause for both hope and concern. On the positive side, the agenda calls for the eventual elimination of export subsidies, which the Europeans have used to rob market share from U.S. farmers. In addition, the efforts of some countries to reopen prior agreements in order to erect scientifically unjustified barriers to U.S. commodities were rejected. The agenda's commitment to achieve substantial new market opening measures also stands to benefit U.S. farmers, who earn $1 out of very $3 from export sales.

On the hand, I am troubled that U.S. trade officials have so freely offered to negotiate our export credit guarantee program, which is not an export subsidy but a program to help finance U.S agriculture exports at commercial rates. I am concerned that the new round of negotiations could expose our sugar beet industry—worth $1 billion annually to the Red River Valley—to unlimited imports of subsidized product sold dump market prices.

What's worse, even as our government was putting the export credit and sugar programs squarely on the table, the Europeans were staunchly defending their own subsidies and the Canadian government was declaring the Wheat Board to be off-limits. Although U.S. attempts to ''lead by example'' in trade negotiations may win points with free-trade theorists, it will not in win trade agreements. We should vigorously defend our programs and yield concessions only when we receive concessions in exchange.

The farm bill debate has also reflected what I believe to be the Administration's flawed approach to trade policy. Among its reasons for opposing the House farm bill, the Administration said that restoring a price safety net for family farmers would undermine our trade negotiating position. I believe, quite the contrary, that a renewed commitment to our farmers in the form of strong farm bill improves our negotiating position. If the U.S. withdraws support for our farmers unilaterally, what incentive do the Europeans have to negotiate away their tremendous subsidy advantage?

The negotiations launched earlier this month have a long way to go. Only time will tell whether our hopes for American agriculture will be realized or our concerns will prove well founded. Before these negotiations have even begun, however, Congress is being asked to approve fast track, a bill authorizing the President to negotiate trade agreements and submit them to Congress for an up-or-down vote, without amendment.

I believe it would be unwise to approve fast track before we know whether these negotiations are headed in a positive direction for American agriculture. Let's make sure that the Europeans will not be allowed to maintain their overwhelming subsidy advantage and that the Canadian Wheat Board won't be able to continue to exploit its monopoly position to the detriment of our farmers. Let's make sure that our sugar industry won't be hung out to dry and that the Administration won't try to undo our domestic farm program in trade negotiations.

Once we have greater confidence that these trade negotiations are serving the interests of our farmers, we can move forward with fast track authority. Until our concerns have been addressed, however, we should not give our trade negotiators the blank-check they are seeking. For now, there are too many open questions for us to give up our right to amend future trade agreements.

Mr. STEARNS. Mr. Speaker, this country is in a new era. We have not faced such times of trepidation since the Cuban Missile Crisis. It is well established that countries who trade, who are engaged in business with one another, are less inclined to fight, and more willing to cooperate among mutual beneficial matters. Ultimately, trade is about freedom and economic prosperity. And in some cases, prosperity has been the case for certain sectors of the American economy.

Unfortunately, such has not been the case in my district in Florida. There are number of small farmers and businesses who were decimated by NAFTA and imports from Mexico. Promises made by our government were promises un-kept. The specific provisional relief promised to the tomato growers, for instance, was applied for after implementation of NAFTA, and subsequently these farmers were denied that relief.

Under NAFTA, Florida exports in total agriculture products dropped from $6.1 million to 1.9 million between 1993 and 1996. Only in the year 2000, did exports climb above the 1993 level—but the damage was done.

Earlier today, the House voted to reauthorize the Trade Adjustment Assistance program, a program designed to aid workers and firms who have been affected by the impact of foreign trade. This program alone serves as a reminder that not everyone in our country benefits from free trade . . . including small farmers and businesses in my district.

Now I understand the need to engage in free trade and I support free trade. However, I also support fair trade. Additional provisions have been included in HR 3005 that allows for greater consultation among Congressional committees regarding import sensitive commodities. The language also recognizes the need to treat such products in a different manner during trade negotiations than other products. Though I am grateful for the attempt at addressing these issues, I believe it does not go far enough.

Without adequate protection and enforcement of our trade laws, and the ability to provide sufficient relief for affected markets—such provisions are less than meaningful.

I have had the opportunity to speak with the President regarding my concerns and those of my constituents. I understand the need to use Trade Promotion Authority as a tool in the war against terrorism and to address our faltering economy. We are at war. And for that reason these are special circumstances. The President needs to be supported and he can use this agreement to help America in its fight against terrorism. For this reason I am voting for Trade Promotion Authority.

Mr. ETHERIDGE. Mr.. Speaker, I rise today to speak about H.R. 3005, the Trade Promotion Authority Act.

The vote on this bill has been a very difficult decision for me. My home county and my hometown have been hit hard in recent months by layoffs and closures of textile manufacturing plants. In many of these towns, several generations of families have worked at these textile plants, and when the plants closed our way of life was shaken and our hometown identities were forever changed.

I hurt for each and every worker who has lost a textile job and for each and every family that faces economic uncertainty as a result of these layoffs. We must provide them generous assistance to meet their short-term needs. We must provide them the education and training to equip them with the skills to fill 21st century jobs. And we must pass policies for economic growth that will create those employment opportunities.

But, Mr. Speaker, the fact is that defeating Trade Promotion authority will not bring back a single textile job that we've lost. Defeating Trade Promotion Authority instead will wave a white flag of surrender to our economic competitors around the world and will mean fewer jobs to replace the ones we've lost.

The workers in my home state have proven that we can compete and win in the world economic arena. Last year, my state's export sales totaled $15 billion, a 10.3 percent increase in one year. In the seven-year period between 1993 and 2000, North Carolina's exports grew by 88 percent. Those exports fueled tremendous economic growth, created unprecedented employment opportunities and placed North Carolina at the forefront of America's global economic leadership.

In the latest available data, North Carolina depends on manufactured exports for 285,600 jobs. That is the seventh highest total in the United States. 6,869 companies—including 5,609 small and medium-sized businesses—export from North Carolina. The number of companies exporting from North Carolina rose 79 percent between 1992 and 1998. Our state is truly export-dependent, and we need Trade Promotion Authority to break down barriers to overseas markets so that our technology, agriculture, manufacturing and other sectors can expand on our progress in international competition. If we fail to gain access to these markets, it is a guaranteed fact that our overseas economic competitors will exploit that opportunity and deal a huge blow to our global economic leadership. Every $1 billion in exports creates 20,000 jobs here in America, and a successful multilateral trade agreement could reasonably result in expanding exports by $200 billion a year producing 4 million new jobs here in America. And jobs supported by exports pay significantly higher wages than jobs that only support domestic markets. Clearly, expanding exports is the key to expanding prosperity for American workers, and Trade Promotion Authority is the key to expanding exports.

It is important to note that this bill is not itself a trade agreement. It simply provides the President the authority past Presidents, both Democrats and Republicans, have traditionally enjoyed to negotiate with our trading partners to obtain the best deal possible for America's economy. I want the President to know that I intend to hold his feet to the fire to make sure he looks out for the best interests of my constituents in those negotiations. And I want the committees of jurisdiction to exercise their Congressional oversight role vigilantly. I certainly reserve the right to oppose any trade deal that is not in the best interests of North Carolina, and I will not hesitate to exercise that right. I have voted against trade deals in the past. In short, I'm going to be watching these negotiations like a hawk.

Finally, Mr. Speaker, I am compelled by the fact that we are a nation at war. All Americans are united behind the President as he and our nation's military seek to rid the world of the terrorist threat. Although I may disagree with the President on some of his domestic policies, this is a matter of major international importance.

In conclusion, I will vote ''yes'' on H.R. 3005, and I urge my colleagues to join me in doing so.

Mrs. MORELLA. Mr. Speaker, I rise to express my support for H.R. 3005, the Bipartisan Trade Promotion Authority Act of 2001.

I have the honor to represent Montgomery County, Maryland, a county rich in high technology such as communications technology and biotechnology. Trade is important to our economy.

I believe Trade Promotion Authority will be good for the economy of Montgomery County and the State of Maryland as well as our country. Trade is important to our economy; last year Maryland sold more than $5 billion worth of exports to nearly 200 foreign markets.

Trade is also good for Maryland's entrepreneurs and small businesses. The number of Maryland companies exporting increased 51 percent from 1992 to 1998. This is significant;

more than 81 percent of Maryland's 3,472 companies that export are small- and medium-sized businesses. Trade data also shows that an estimated 58,900 Maryland jobs depend on manufactured exports. One in every seven manufacturing jobs in Maryland—24,700 jobs—is tied to exports. Wages of workers in jobs supported by exports are 13 to 18 percent higher than the national average. Maryland exported an estimated $200 million in agricultural products in 1999.

Indeed, Maryland has benefited from previous trade agreements. For example, total exports from Maryland to NAFTA countries (Mexico and Canada) in 1999 were 56 percent higher than 1993, before NAFTA.

This negotiating authority expired in 1994, and during that time other countries have been moving forward with trade agreements while the United States has been stalled. There are more than 130 preferential trade and investments agreements in the world today, and the United States is a party to only two.

The European Union has free trade or special customs agreements with 27 countries, 20 of which it completed in the last 10 years. And the EU is negotiating another 15 accords right now. Our inaction hurts American businesses, farmers, ranchers, and workers as they find themselves shut out of the many preferential trade and investment opportunities.

Mr. Speaker, I believe in free and fair trade and a strong economy. In times of growth our Nation has been able to move forward on important social issues and make the world a better place for all.

Mr. COSTELLO. Mr. Speaker, I rise today to discuss the trade policy of the United States. We are scheduled to vote in the House of Representatives this week on approving Trade Promotion Authority (TPA), what used to be called ''Fast Track'' Authority. I will vote against it, as I did in 1998. I will do so for several reasons, but primarily because the United States has signed few effective trade pacts in recent memory. Since the early 1980s the United States has become the greatest debtor nation in the world, and that trade deficit continues to grow, with devastating impacts for the working men and women of this country. While corporate CEOs continue to earn record-breaking salaries, their employees face reduced wages and benefits or worse—they are laid off while their jobs are moved abroad. We continue to export good, high-paying American manufacturing jobs to places like Mexico and China, where workers are paid little and enjoy few protections from abuse.

I agree that we need to create export markets for our goods, especially our agricultural products. To that end, I have voted to end the trade embargo against Cuba. However, this must be done on terms that are fair to the United States. The list of unfair reciprocal trade agreements we currently have with other countries boggles the mind. Our products are taxed at extremely high rates in those countries, while their products enter our markets virtually tax-free.

The supporters of TPA will tell you that the President needs this authority to negotiate trade pacts, such as the next round of world trade talks that has been put in motion by the recently concluded conference in Doha, Qatar. But TPA is not necessary to negotiate trade pacts. In fact, TPA expired in 1994, and we have reached several bad agreements since then, notably terms to allow China to enter the World Trade Organization, a deal I also did not support. The only thing TPA guarantees is that Congress is shut out of the negotiating process, left to ratify whatever agreement the President negotiates. And when the time comes to vote, Congress is told that while this might not be the best deal, it is the only one on the table and that we cannot waste the years it took to reach it by it voting down. It is a vicious cycle that imprisons American workers, and I will not vote to revive it.

The North American Free Trade Agreement is a good example of this process. Eight years ago, the passage of NAFTA brought many promises: 200,000 new jobs annually in the United States; higher wages for Mexican workers; an increased trade surplus with Mexico and a cleaner environment and improved health in the boarder regions. In fact, the opposite has happened—none of these promises have materialized.

Supporters of NAFTA promised great things for America's trade surplus with Mexico and Canada. These, too, have failed to materialize. While gross exports to NAFTA countries have increase dramatically—147 percent to Mexico and 66 percent to Canada—imports from these countries have increased more dramatically. U.S. imports have increased 248 percent from Mexico and 79 percent from Canada. The trade deficit with Mexico and Canada was nine billion dollars in 1993; by 2000, it had ballooned to $60 billion. NAFTA was supposed to reduce these numbers. Instead, the trade deficit has increased.

Instead of creating 1.6 million jobs over eight years, NAFTA has eliminated 766,000 jobs. In my home state of Illinois, over 37,000 people have lost their jobs as a result of NAFTA. These were the good paying manufacturing jobs I referenced above. Most of these jobs have been relocated to Mexico, where the labor and environmental standards are lower than in America.

Even if American jobs were not relocated to Mexico and elsewhere, many companies have leveled this threat at their employees. Workers are told if they do not agree to the company's terms, their jobs will go to Mexico. As a result, workers settle for contracts with lower wages and fewer benefits in collective bargaining. This occurred recently with the Tower Automotive plant in my congressional district. A recent newspaper article described it this way, ''Earlier this month, Tower Automotive has said in order to save money, it was subcontracting the Lincoln Aviator program to Metalsa, a company in Monterey, Mexico.'' Fortunately, Tower Automotive decided to stay in the U.S., but the threat to move remains as an option for Tower and other businesses.

Since the enactment of NAFTA, wages for industrial workers in the United States have decreased. These workers comprise 73% of our nation's industrial workforce and account for most of our middle- and low-wage workers. When manufacturing jobs leave the country, displaced workers who can find work generally receive pay that is 13% less than they received in their previous job. These jobs are primarily in the service industry, where wages pay only 77% of those in the manufacturing sector. The jobs lost as a result of NAFTA were good paying jobs held by individuals who most likely do not have a college education. These workers have a harder time finding reemployment and need these jobs the most.

The trade deficit is not only a problem of the rich getting richer and the poor poorer—it is a national security issue. Our nation is currently at war. In the aftermath of the terrorist attacks of September 11th, the U.S. military is engaged in military actions against the Taliban and Osama Bin Laden. Young Americans are putting their lives on the line every day to defend the values of this great nation. Does it make sense that while American troops are in harm's way, the U.S. is rapidly losing its ability to produce steel due to the flood of illegally imported steel? If the current trend continues, we will not have a steel industry in the U.S., leaving our national defense vulnerable.

In September, I testified before the International Trade Commission regarding the Section 201 investigation into U.S. steel imports. I represent the 12th Congressional District of Illinois, which includes Alton, Granite City, and other areas with great steel traditions. Sadly, Alton is no longer a steel town. Laclede Steel announced in July that it will shut its doors permanently, ending an 86-year history in Alton and throwing 550 employees out of work. The impact on the local economy has been severe. Of course, Laclede is not alone. Since 1997, 26 domestic mills have filed for bankruptcy. This trend must not be allowed to continue. The hardworking men and women of the United States and their families cannot bear the price of misguided foreign industrial policies any longer.

However, the U.S. representatives at the Doha conference did not see it that way. Even after the House of Representatives passed a resolution requesting that the president preserve the ability of the U.S. to rigorously enforce its trade laws, particularly anti-dumping laws, the American representatives at Doha permitted the anti-dumping regulations to be re-examined. If allowed to happen, this will further damage American steel producers.

So where does U.S. trade policy stand on the week of the vote to grant the president TPA? A record of unfair trade agreements that ignore worker rights and environmental protections, hundreds of thousands of good, high paying manufacturing jobs continuing to leave the country, and vital American interest left close to extinction. Not a pleasant picture.

Mr. Speaker, given this bleak backdrop, I will not vote for TPA. It will minimize the role that Congress plays in trade agreements at a time when congressional oversight is needed most. The Bush administration has demonstrated by its action in Doha that it does not have the best interests of American workers in mind. Congress must work to ensure that more damage is not done. I urge my colleagues to join me in fighting for the American worker by opposing Trade Promotion Authority.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise in reluctant opposition to H.R. 3005, the Trade Promotion Authority Act.

Words probably cannot fully convey how disappointed I am in being forced to vote ''No'' on H.R. 3005. Up to now, since coming to Congress in 1993, I have compiled a pro-trade voting record that is second to none. I have supported NAFTA, U.S. entry into the WTO, normalizing trading relations with China and Vietnam, expanding trading relations with the countries of sub-Sahara Africa and the Carribean, and most recently to establish free trade with Jordan. I strongly believe that, our nation has the most to gain from opening new

markets and improving upon a rules-based trading system.

I am also disappointed because I fully appreciate the extraordinary effort put forth by my friends, Mr. JEFFERSON, Mr. TANNER, and Mr. DOOLEY, in helping to craft this bill. Throughout this process, they were willing to listen to concerns that I and other members expressed. They performed admirably in pushing forward Democratic principles in negotiating this bill with the majority. Their steadfastness produced a great deal of progress in addressing concerns on how trade impacts labor and the environment and in addressing the plight of recently displaced workers.

The majority has represented enactment of trade promotion authority as economic stimulus that will help pull the nation out of the current recession. I also recall the Administration representing this bill as something we must pass in the context of our war against terrorism. I don't doubt that expanding trade is in the national interest, but both of those arguments are exaggerated and misplaced. Trade does create better jobs for American workers that pay higher wages and add more to the economy. However, trade's benefits manifest themselves over the long-term; passing this bill will have very little effect on pulling the economy out of the current recession.

It is in the context of this recession and the September 11 tragedy that I have weighed my vote on trade promotion authority. Passing trade authority may well be in our national interest, but over the short term, it will not do anything except add to the anxiety that workers who have been or are on the verge of being laid off are experiencing now. Conscience dictates that before I support granting trade promotion, I must ensure that their immediate needs and concerns are addressed. I have concluded that Congress and the Administration has fallen well short of what we must do in this area, and for this reasons, I must vote against H.R. 3005.

On September 21, we passed a bill to provide immediate financial assistance to the airline industry in the wake of the September 11 tragedy. Some of my colleagues objected on the grounds that we should provide assistance contemporaneously to the workers laid off by the airlines. I supported that bill because I understood that maintaining the viability of the airline industry was necessary to preserve the jobs of those who were not laid off. I was also assuaged by assurances that we would have a bill on the floor the following week to provide assistance to airline workers. That promise was not kept.

September 11 also exacerbated the recession that the country has apparently been experiencing since Spring. Following the tragedy, there was bipartisan agreement that Congress should pass an economic stimulus package to speed recovery and to provide broad safety net assistance to workers affected by the recession. Instead, the majority rammed through the House a tax package providing tax breaks on offshore profits, accelerated capital gains, and retroactively repealing a provision in the tax code that ensures that corporations are not able to wholly avoid paying taxes. At the same time, the bill provided a minimal level of unemployment and health care assistance to laid off workers. Besides not bringing our country out of recession, the bill was essentially a slap in the fact to working class Americans.

Now, we are on the verge of voting on H.R. 3005. Several weeks ago, I indicated to its principal supporters that in order to attract my support, I would have to witness real progress on helping displaced workers, and not just vague promises and commitments. In response, Chairman THOMAS unveiled several new items. Principal among them is a provision in the TAA bill to provide $2 billion over 2 years for workers affected by the September 11 attacks. The Chairman also signaled his intention to offer proposals relating to health insurance and extension of unemployment benefits in the context of the ongoing negotiations with the Senate over the stimulus package. I appreciate Chairman THOMAS' good faith efforts, particularly his willingness to include a provision to suspend federal income taxes on unemployment benefits. This is actually a bill that I personally introduced earlier this Congress.

These proposals fall short of what I would like but they do appear to be substantial progress. Unfortunately, since they do come at the last minute, there is a great deal of uncertainty regarding whether this is enough. Furthermore, the bulk of these proposals would need to be included in a final stimulus package, in which negotiations are ongoing over contentious issues. I am basically being asked to trust that these proposals will be improved upon where necessary and enacted into law, in spite of the fact that we have had months to do complete work on these items.

I have concluded that I owe it to working class Americans that I should not simply take a leap of faith. For too long, they have been suffering while Congress has sat on its hands. I do not think it is unreasonable for us to wait on passing TPA legislation until we have passed legislation to help the unemployed.

I am fully willing to revisit this issue if, later in this Congress, we do in fact provide the relief that displaced workers deserve. Today, however, my vote is ''no.''

Mrs. MINK of Hawaii. Mr. Speaker, I rise today in opposition to H.R. 3005, the Fast Track Trade Authority bill.

The President has requested Fast Track Trade Authority whereby Congress agrees to consider trade agreements without amendment and with limited debate. The administration says that unless we pass this bill, it will not be able to finalize a new round of worldwide trade talks or complete smaller trade deals.

This is simply not true. Without Fast Track Trade Authority, the Clinton administration negotiated more than 300 trade agreements. President Bush has finalized the Vietnam-U.S. Bilateral Trade Agreement and begun work on the Free Trade Agreement of the Americaas.

Denying Fast Track Trade Authority at this time will not hinder the president's ability to negotiate large multi-national trade agreements. The World Trade Organization will not finalize the next round of the General Agreement on Tariffs and Trade (GATT) for at least another five years.

Fast Track Trade Authority is actually a tool to aid powerful corporations searching the globe for cheap labor by ignoring basic workers' rights, environmental safeguards, enforceable sanctions, and Congressional input.

H.R. 3005 includes negotiating objectives promoting worker rights, yet these objectives are hollow. The bill relies on the self-enforcement of a country's worker rights laws.

This bill does not require trade agreements with clear provisions to protect workers' rights. It does not require countries to agree to adhere to the International Labor Organization's core labor standards, including bans on child and slave labor.

American needs trade agreements that instantly go before a dispute settlement panel if a country violates internationally recognized labor standards, such as the right to collective bargaining. All trade agreements need enforcement provisions which allow for prompt and full compliance with a dispute settlement panel's decisions.

Proponents of Fast Track Trade Authority believe that the Trade Adjustment Assistance program we reauthorized today will assist individuals who will lose their jobs to future trade agreements. Workers who lost their jobs to NAFTA will vouch that this program cannot replace their jobs and does not provide the health benefits that they desperately need while looking for new jobs. All of us want to help workers and should support this program, but the reauthorization does not overcome the weaknesses of Fast Track Trade Authority.

H.R. 3005 states that environmental concerns are a negotiating objective of trade agreements, but it only requires consultative mechanisms for strengthening trading partner's environmental and human health standards.

The Thomas fast-track bill will expand controversial ''investor'' rules that empower foreign corporations to sue over environmental laws if laws, regulations, or court orders interfere in any way with a company's ability to do business.

H.R. 3005 requires the president to consult with Congressional committees and prepare reports about child labor and the effectiveness of enforcing workers rights. These provisions do not give Congress the power to ensure that trade agreements conform to basic international labor provisions and environmental policies.

With the economy in a recession and 7.7 million unemployed Americans looking for work, we cannot expose working families to unfair trade agreements that allow corporations to move into countries with weak labor standards.

We cannot expose workers to flawed trade agreements such as NAFTA that cost American workers 766,030 jobs in the steel textile, apparel, manufacturing, and other sectors of our economy.

I urge my colleagues to vote against H.R. 3005 and protect our environment and American workers from unfair trade agreements.

Ms. SOLIS. Mr. Speaker, For my colleagues pondering their vote on Fast Track Trade Negotiating Authority. And for the American public. I ask you to envision this scene. It was August, 1995. In my district—El Monte, California.

Not two years after the North American Free Trade Agreement narrowly passed this House.

During a pre-dawn raid, the Immigration and Naturalization Service comes to the rescue, literally, of seventy-two Thai immigrants working in a garment factory.

I say ''working,'' but what I really mean is involuntary servitude. These women, forced into slave labor, worked eighteen hours a day in a seven-unit apartment building that served as a sweatshop. Actually, a prison. Some of the women had not been let out of the filthy factory surrounded by razor wire for seven years.

Now, many of you find it hard to believe this kind of horrific scene could take place in the United States. Well, it did happen. And not only did it happen in my community, it happens in communities throughout the world.

The United States should not reinforce the existence of such horrific practices. And yet, we do—at the behest of a global economy. The presence of sweatshops here and abroad corresponds directly with trade levels.

The number of workers employed by maquiladoras in Mexico has tripled since the passage of NAFTA. Now, that may sound good to some. But, you must look close at the picture.

Workers caught in maquiladoras on our Southern border are faced daily with extremely low wages and unsafe labor practices. Take the Han Young factory in Tijuana, Mexico for instance. The Han Young factory manufactures parts for Hyundai trucks. This factory has repeatedly failed to provide a safe working environment for its employees. The company refused to provide safety shoes and glasses, chemical resistant gloves, respirators, and face shields. There are even puddles of water beneath high-powered cables—and faulty cranes that repeatedly dropped tractor trailer chassis while they were being worked on. And when the workers tried to band together to create a bargaining unit in order to remedy these serious health risks—the company engaged in a campaign of intimidation in order to stop unionization.

Our unbridled pursuit of trade is leading to the further exploitation of the poor throughout the world. I agree that we must engage in trade. However, the most powerful country in the world should be committed to engaging only in fair trade. Our trade agreements must include labor and environmental protections. For, if we do not take the lead on these issues, who will? And, if the plight of the working poor is not enough to persuade you to support a fair trade agreement, please consider the harm that will come to our environment. Many of my Republican colleagues understand the importance of protecting our global environment.

And we need only look to the Qatar World Trade Organization negotiations to understand that our U.S. Trade Representative does not consider the environment to be priority. In fact, while in Qatar, the USTR agreed to revisit the status of international environmental treaties already in effect. These negotiations could lead to further destruction of our environment by enabling the WTO to review these agreements. Environmental agreements should not be subject to review by an organization whose sole purpose is to promote business and trade. As we have learned from our environmental movement here, business interests many times conflict with environmental interests. Trade agreements and environmental agreements should remain independent of each other in order to maintain the integrity of both.

Join me in opposing H.R. 3005. This version of Fast Track does not ensure safety to workers nor safety to our environment. The world looks to us as leaders in trade. Therefore, we should fulfill that role responsibly and include enforceable labor and environmental protections in all of our trade deals.

Ms. LOFGREN. Mr. Speaker, From the debate thus far on Trade Promotion Authority (TPA), it is clear to me that the legislative process works best when Democrats and Republicans move forward together. Unfortunately, the effort to pass TPS this Congress is a poor demonstration of Congress' ability to cooperate and compromise. At this particular moment in American history, I find that troubling.

I would like nothing better than to vote for the passage of TPA. Over the past several years, I have supported almost every free trade measure to come before the House of Representatives because I believe that the health of the American economy is dependent on new and more open markets. I believe that the future wages of the American worker are dependent on our ability to do two things: secure new markets for American goods and services and enhance the education and skills of our current workforce.

But markets do not open overnight. Negotiating new and more open markets is a complicated process made even more complicated by the procedural process in Congress. Without a straight up or down vote on a trade agreement, Congress could be bogged down forever in amendments and in congressional politics. If the congressional amendment process came into play, our President would no longer have the credibility to negotiate agreements. All 435 Members of the House cannot be the American trade negotiators.

I understand this. I believe that the President, Democrat or Republican, should have the flexibility that TPA affords to negotiate and pass trade agreements.

But the details of TPA do matter. The USTR has moved from negotiating tariffs to non-tariff barriers to trade. What this means is that instead of just negotiating reductions in tariffs, our trade negotiators will be negotiating substantive changes in American law.

In the next round, the plan is to make changes in antitrust laws. The protections currently provided by the American patent system may also be amended through trade. Copyright protection is up for discussion. These laws, antitrust and intellectual property, are enormously important to the economic viability of the United States. Just as American laws are harmonized in trade negotiations, the role of Congress's Congressional Committees must evolve from procedural consultations to ones that are substantively consultative.

While I have raised this issue again and again over the past several months, the Thomas bill has left this issue unaddressed. Interestingly, a role is provided for review of agricultural policy as well as for financial services. But are potatoes and rice more important that patents and antitrust laws? I think not.

The USTR must submit to the relevant Congressional Committees, including the Judiciary Committee, and not just to the Ways and Means Committee, information that informs Members which provisions of existing US law are being changed.

Just a few years ago, I was surprised as a Member of the Judiciary Committee to find that I could not insert a salary floor amendment into a bill pertaining to H–1B nonimmigrants because we had made a trade commitment in the General Agreement on Trade in Services not to put in such a condition. An alternative system that was negotiated, but not approved by Congress, was inserted by GATT. This made it impossible for Members of Congress to make changes to domestic law without violating US trade obligations. When I asked my colleagues on the Committee if they had heard of such a change in the law, I got a lot of blank looks. They were as surprised as I was.

And I'm not surprised that they didn't know because the implementing legislation of the Uruguay Round Agreements was hundreds of pages long.

Such changes are not limited to immigration law. The same thing could happen in a area like antitrust if an agreement on competition policy is reached. Professor Daniel Tarullo, a Professor of Law at Georgetown University wrote in a letter to Senator LEAHY that a ''competition agreement in the WTO could seriously compromise the integrity of US antitrust policy and for that matter the competition policies of other nations.''

We know that antitrust law is explicitly ''on the table'' for the next round. While I don't disagree that this is an appropriate topic for discussion, I cannot agree that US antitrust laws should be changed without the review and involvement of the Judiciary Committee.

The Judiciary Committee should have the same access to these issues as the Agriculture Committee has relative to agricultural issues in the Thomas bill. While I do not support a unduly burdensome process, I believe there must be a happy medium between the Rangel and Thomas approaches. That is why I believe we should wait to vote on TPA.

Again, I would like nothing more than to vote for a Trade Promotion Authority measure that takes into consideration the proper role of Congress and its Committees. I appreciate the ways & Means Committee's work on this bill, but we are not there yet.

Mrs. MCCARTHY of New York. Mr. Speaker, I rise in opposition to H.R. 3005, which is similar to a bill that failed two years ago, that establishes expedited procedures for congressional consideration of trade agreements negotiated by the President. Under H.R. 3005, the Trade Promotion Authority Act (TPA), the Administration would be required to consult with Congress before signing a trade agreement, but once the agreement is formally submitted to Congress, both houses must consider the agreement within 90 days without amending the tentative agreement.

As a New Democrat, I believe in the fundamental concept of free trade. Eliminating unfair foreign trade barriers leads to greater exports by the United States and potential increases in production. It is important that America not be left on the sidelines as trade agreements are negotiated without our participation. However, free trade must occur on an equal playing field.

Unfortunately, this particular, H.R. 3005, does not sufficiently address important concerns that were expressed two years ago. For example, this legislation does not require countries to implement any meaningful standards on labor rights. These include the five core International Labor Organization (ILO) standards: the rights of association and collective bargaining, bans against child labor, compulsory labor, and discrimination.

The bill simply details negotiating objectives on labor rights, but does nothing to ensure that any final trade agreement will actually include those provisions. In addition, this legislation simply requires a country to enforce its existing law—however weak that law may be.

Furthermore, this bill contains only voluntary negotiating objectives on the environment. It

does nothing to prevent countries from lowering their environmental standards to gain unfair trade advantages, and would do nothing to protect multilateral environmental agreements from trade challenges. Moreover, it does nothing to block foreign investor lawsuits from challenging domestic environmental laws. Future trade agreements could include provisions like Chapter 11 of the North American Free Trade Agreement (NAFTA) which allow foreign investors to undermine U.S. environmental, safety, and health law on the basis of unfair trade.

Lastly, I am concerned over the lack of congressional action prior to the signing of any trade agreement; only consultations. Congress may vote on a disapproval resolution, but only to certify that the Administration has ''failed to consult'' with Congress. Moreover, under this bill Congress would give up the right to amend trade agreements—even those that are controversial and which dramatically alter domestic law—in exchange for optional negotiating objectives. Any trade agreement should be under the purview of the House of Representatives, not the House of Consultants.

I am disappointed that these issues were not resolved prior to floor consideration. The trade policy of the United States must benefit the entire country, not simply select interest groups. We must strive and enter into trade agreements that are not only free, but fair. Unfortunately, H.R. 3005, like its predecessor, fails to remedy the concerns associated with expedited trade agreements.

Mr. MATSUI. Mr. Speaker, I rise in strong opposition to this bill. And let me say right up front: I stand here before you today as a free trader.

Those of you who know me know that I believe in the principles of free trade and global commerce. I have fought to open and expand markets for US goods and services time and time again, right here in this chamber.

Those who know me know that I believe that the freedom to trade across borders, if handled responsibly, is a wonderful way to raise living standards, create jobs, and protect the environment around the world—particularly in those countries that need help the most.

But this vote is about much more than that. It's about the fact that the very nature of international trade has changed radically.

Trade is no longer primarily about tariffs and quotas. It's about changing domestic laws. The constitutional authority to make law is at the heart of our role as a Congress and of our sovereignty as a nation.

When international trade negotiators sit down to hammer out agreements, they are talking about harmonizing 'non-tariff barriers to trade' that may include everything from antitrust laws to food safety.

Now, I believe the President and the USTR should be able to negotiate trade deals as efficiently as possible. There's no questions about that.

But that does not mean that Congress must concede to the Executive Branch its constitutional authority over foreign commerce and domestic law without adequate assurances that Congress will be an active participant in the process.

Congress should be a partner, not a mere spectator or occasional consultant to the process. The Thomas bill does not ensure that.

Think about what may be bargained away at the negotiating table: our own domestic environmental protections . . . food safety laws . . . competition policies.

That's the air we breathe, the food our children eat, and the way Americans do business.

With all due respect to Robert Zoellick, I want GEORGE MILLER, JOHN CONYERS, and JOHN DINGELL in on those discussions.

Now, Chairman THOMAS says that he has fixed the problem of Congressional participation by adding a bit of technical language here and there.

Of course, these changes do nothing to affect the labor and environmental provisions in this bill, which we all know are sorely lacking.

But let me be clear: these amendments are pure window-dressing.

Beneath the jargon, all he's done is give himself, as Chairman of the Ways and Means Committee, the ability to bottle up any attempt to revoke fast track authority, no matter how far the negotiators have strayed from Congressional trade objectives.

With all due respect to the Chairman, I cannot cede my constitutional responsibility to his stewardship.

Mr. Speaker, the nature of trade has changed, and fast track authority must change with it. I ardently believe in the principles of free trade. But I will not put my constitutional authority over domestic law and my responsibility to my own constituents on a fast track to the executive branch.

I urge my colleagues to vote no on this legislation. Thank you.

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Mr. WELDON of Florida. Mr. Speaker, as I have conveyed to you, my concern is that as we pursue international trade agreements, we must enter those negotiations recognizing the special needs of our fruit and vegetable sector, and Florida citrus in particular. While many of our commodities enjoy significant federal subsidies, fruit and vegetable producers do not have these same subsidies. Florida's $9 billion citrus industry potentially faces significant competition from Brazil. Brazil enjoys a cost-of-production far below that of U.S. agricultural producer. Today's tariffs on Brazilian orange juice account for the wide difference in cost-of-production between the U.S. and Brazil. Also, Brazilian fruit can be treated with pesticides that are banned in the U.S. This raises issues of safety, double standards, and competitive advantages. Any further reduction in the tariff schedule for Brazilian orange juice under FTAA could cause significant harm to Florida's citrus industry.

Mr. Speaker, we had requested the inclusion of language in the bill specifically excluding export sensitive products such as perishable fruits and vegetables, and related products such as frozen orange juice. That specific language is not in your bill.

Mr. Speaker, it is my understanding that the amendments in section three dealing with trade sensitive commodities, would limit the President's proclamation authority so that tariff reductions could not be implemented without specific Congressional approval.

It is also my understanding that these special provisions provide a strong indication that these sensitive agriculture industries, such as citrus, should not be the subject of further tariff reductions in negotiations covered under this act?

Finally, it is my understanding that these provisions require that the Administration identify that the import sensitive agriculture products, such as citrus, be fully evaluated by the ITC prior to any tariff negotiations and that any probable adverse effects be the subject of remedial proposals by the Administration.

As this bill moves from the House to the other body and to conference, there will be additional opportunity to address the concerns of this industry. I am pleased that the Chairman has indicated he is willing to work with me and other members of the Florida Congressional delegation to address any additional concerns.

Mr. CROWLEY. Mr. Speaker, I rise today in strong opposition to the Trade Promotion Authority bill offered by Chairman THOMAS.

My problem here is not with the concept of giving the President trade promotion authority, my problem is with passing a TPA bill that fails to address basic labor and congressional oversight requirements.

The labor provisions in this bill are a sham.

This legislation calls only for the non-degradation of a potential trading partner's labor laws.

Under this bill, Malaysian companies could continue to pay a ten year old child, five cents for a day's work.

In this example, the Malaysian firm would only be in violation if it paid the same child four cents for a day's work.

The Thomas labor requirements run counter to common sense.

There is a reason that the International Labor Organization established the five core labor standards.

The rights of association and collective bargaining, and bans on child labor, compulsory labor and discrimination are essential components to all trade agreements.

We must insist that our trade partners respect and abide by these standards without exception.

The notion of Congressional oversight has fallen short in this bill, as well.

H.R. 3005 provides no effective mechanism for Congressional participation. It only includes an element of the 1988 law that was never implemented.

Congress must have the authority to oversee these agreements on a periodic basis, and have the ability to present resolutions of disapproval should the need arise.

The bottom line is that this bill is totally deficient on many levels.

The Ranking Member, Mr. RANGEL, had a substitute that would have met the requirements necessary to negotiate trade agreements in good faith.

Unfortunately, the Republicans would not allow the Democratic bill to see the light of day.

Let's pass a TPA bill that makes sense.

This bill certainly does not.

Therefore, I urge my colleagues to oppose this bill.

Mr. KLECZKA. Mr. Speaker, almost 11 weeks have passed since the Speaker indicated that the House would take up legislation to help those who were unemployed due to the September 11th attacks and the slowing economy. To date we have not completed action on proposals to extend unemployment compensation, to address health insurance for people who lost coverage through their former employer, or to provide health insurance coverage for those who did not have health benefits through their employer.

Today we are asked to consider another bill that would benefit large businesses at the expense of the American worker. The legislation before us would grant the President the ability to negotiate trade agreements with other countries and then send them to the Congress for it's up or down vote.

Congress should be part of careful and deliberate negotiations on all trade agreements. They should not be put on the fast-track. Such a take-it-or-leave-it approach strongly favors any agreement submitted by the Administration, regardless of its flaws or impact on our workers and the environment. A recent trade agreement between the United States and Jordan was not subject to fast-track procedures, but was approved by Congress nevertheless. This measure required labor and environmental issues to be part of the core negotiating objectives. If Congress has not been a part of constructing that agreement, those objectives would surely have been left out of the accord.

The most appalling aspect of this bill is the fact that it fails to address the continuing problem of varying labor and environmental standards throughout the world. The bill requires only that a country enforce its own laws—however bad they may be in terms of worker rights and working conditions. There is no real requirement that a country's law include any of the five core labor standards—bans on child labor, discrimination, slave labor and the rights to associate and to bargain collectively.

Therefore, this bill would allow countries that do not provide basic protections to children under 14 who work in factories, that allow the use of slave labor, or that deny workers the basic right to associate and bargain collectively, to continue to do so. It is nearly impossible for American companies and their employees to compete against foreign businesses that pay poverty wages.

Nor does the bill direct that concrete steps be taken to integrate existing or future multilateral environmental agreements with trade agreements. Instead, the bill says we do not care whether your companies pollute the water or poison the air. This bill says we do not care how safe your products are and it allows foreign investors in the U.S. to challenge our own right to enact environmental and other public interest laws within our borders.

Our trade agreements should not forsake the interests of U.S. workers and industries, for the option of foreign companies flooding our markets with cheap products, forcing American businesses to close there doors and send their workers to the unemployment line.

Trade agreements have far-reaching effects on the U.S. economy, workers and the environment and at a time when the economy is in a recession and America is waging a war overseas, the jobs of American workers should not be put at additional risk by this legislation.

This bill differs little from the fast track bill voted down by the House in 1998 and it should be voted down today as well.

Mr. BLUMENAUER. Mr. Speaker, One of my priorities in Congress is the support of trade policies that require environmental protections, support human rights and fair labor conditions while strengthening the economies of my community and of nations around the world.

Trade has tremendous potential for achieving these objectives, but only if our trade policy is carefully crafted. We must ensure that we are using our maximum leverage to achieve the above goals. We need to appreciate how the world is chaning—in regards to the positive transformative powers trade can have for societies around the world as well as the potential negative impact trade can have here at home. International trade provisions can now undermine other U.S. provisions of law ranging from immigration to anti-trust. One example is the provisions in NAFTA that appear to place foreign investors in a position superior to their American counterparts, potentially enabling them to evade our environmental protections.

I believe these problems are not insurmountable or even all that difficult to tackle. The provisions of HR 3019, authored by Ranking Member RANGEL, would establish core labor standards as the point of departure for any new free trade agreement in the Americas. In HR 3019 foreign investors would not be given greater rights than domestic investors, and the United States would be empowered to enforce multilateral environmental agreements where both parties have accepted their obligations.

With a determined expression of outreach and commitment on the part of the President and the Speaker of the House, we can and should have a trade bill that garners at least 250 votes, helping lift trade above today's fiercely ideological partisan contention. Instead, if this bill passes, it will win a narrow majority over bitter opposition from many people who are actually leaders for international trade. Bringing this legislation to the House floor in this form, under these conditions, borders on the irresponsible. There is no reason to play ''Russian roulette'' with our national trade policy in order to accentuate partisan differences. Securing votes with incremental concessions on items like citrus and steel, and backing away form agricultural reform is a poor way to pass legislation and is no way to form an enduring coalition in support of trade promotion. I have implored the President to defuse the situation. I fear it will come back to haunt him and his Administration and make progress in the trade arena needlessly difficult for years to come.

The decision to attempt a narrow partisan victory continues a troubling trend in the House of Representatives. Legislation dealing with terrorism, airline security, insurance protection and economic stimulus did not need to be partisan and indeed there were strong bipartisan bills available. The decision by the House Republican leadership to push for narrow partisan victories at the expense of sound bipartisan policy, with the acquiescence or in some cases the outright support of the Administration, is not just bad policy, it's the wrong thing to do, when the country desperately wants to be united solving our problems.

I sadly but resolutely vote against this legislation. I will continue to speak out in support of the importance of Trade Promotion Authority. I will work with people on both sides of the aisle and our talented Trade Representative Robert Zoellick to secure a true bipartisan solution to other trade related issues.

Ms. LEE. Mr. Speaker, I rise today to voice my strong opposition to H.R. 3005, the Thomas Fast Track bill.

I strongly support free trade, but it must be fair and not at the expense of American jobs, workers' rights, the environment, or our Constitution.

We cannot sacrifice jobs in the pursuit of imaginary profits, especially now with our economy stumbling.

We are losing jobs every day, while our trade deficits get larger and larger. And those deficits have expanded since NAFTA was passed.

The Economic Policy Institute reports that Americans have lost 3 million actual and potential jobs since NAFTA.

California alone has suffered over 300,000 jobs in trade-related losses.

We must stem this tide and signing over Congress' trade authority is not the way to do that.

Nor should we sacrifice our environment or the public health.

Under the terms of Chapter 11 of NAFTA, California is currently being sued by a Canadian corporation because our state's efforts to phase out MTBE from our gasoline and eliminate that potential carcinogen from our water supply have cut into their profits.

Fast track would open up our environmental laws to foreign lawsuits.

It would undermine efforts to let consumers know if they are eating genetically modified foods.

It would threaten international environmental protections.

Finally, fast track undercuts the authority of this very Congress to protect our constituents.

The Constitution specifically grants Congress ''the power to regulate Commerce with foreign Nations.''

We should not vote to give that power away.

I urge you to oppose this bill. We don't have to jump on to a fast track that will lead to a train wreck.

Mr. BEREUTER. Mr. Speaker, this Member rises today to express his very strong support for H.R. 3005, the Bipartisan Trade Promotion Authority Act of 2001. This Member would like to thank the distinguished Chairman of the House Ways and Means Committee from California (Mr. THOMAS) for both introducing this legislation and for his efforts in moving this legislation forward to today's House Floor debate. Additional appreciation is expressed to the distinguished Chairman of the House Rules Committee from California (Mr. DREIER) for his efforts in expediting the consideration of this legislation.

Under the Bipartisan Trade Promotion Authority Act of 2001, Congress would agree to vote ''yeas'' or ''no'' on any trade agreement in its entirety, without amendments. This Member in the past has always supported Trade Promotion Authority (TPA), or ''Fast-Track Authority'' as it was previously called, because

this Member is fully convinced it is required for the President, acting through the United States Trade Representative, to conclude trade agreements with foreign nations. Certainly, TPA is necessary to give our trading partners confidence that the agreements which the U.S. negotiates will not be changed by Congress. Without the enactment of TPA, the United States will continue to fall further behind in expanding its export base and that will cost America thousands of potential jobs. Granting TPA to the President is absolutely essential for America to reach towards its export potential.

TPA will enhance Nebraska's agricultural exports. According to estimates from the U.S. Department of Agriculture, Nebraska ranked fourth among all states with agricultural exports of $3.1 billion in 2000. These exports represented about 35 percent of the state's total farm income of $8.9 billion in 2000. In addition to increasing farm prices and income, agricultural exports support about 44,800 jobs both on and off the farm. The top three agricultural exports in 2000 were live animals and red meats ($1 billion), feed grains and products ($769 million) and soybeans and products ($454 million). However, Nebraska agricultural exports still encounter high tariff and a whole range of significant nontariff barriers worldwide.

At the recent World Trade Organization (WTO) ministerial in Doha, Qatar, trade ministers representing over 140 countries agreed to a Declaration which launched a comprehensive multilateral trade negotiation that covered a variety of areas including agriculture. The trade objectives in this Declaration called for a reduction of foreign agriculture export subsidies, as well as improvements in agriculture market access. In order to help meet these trade negotiation objectives, TPA would give the President through the United States Trade Representative the authority to conclude trade agreements which are in the best interest of American farmers and ranchers.

This legislation is very important for Nebraska because our states economy is very export-dependent. According to the U.S. Department of Commerce International Trade Administration, Nebraska has export sales of $1,835 for every state resident. Moreover, 1,367 companies, including 998 small and medium-sized businesses with under 500 employees, exported from Nebraska in 1998. Therefore, TPA is critical to help remove existing trade barriers to exports of Nebraska goods and services.

To illustrate the urgency for TPA, it must be noted that the U.S. is only party to free trade agreements with Mexico and Canada through NAFTA and with Israel and Jordan. However, Europe currently has entered 27 free trade agreements and it is currently negotiating 15 more such agreements. In addition, there are currently over 130 preferential trade agreements in the world today. Without TPA, many American exporters will continue to lose important sales to countries which have implemented preferential trade agreements. For example, many American exporters are currently losing export sales to Chile because Canadian exporters face lower tariffs there under a Canada-Chile trade agreement.

This Member would like to focus on the following five subjects are they relate to the Bipartisan Trade Promotion Authority Act of 2001: financial services; labor and the environment; congressional consultation; the constitutionality of TPA; and the foreign policy and national security implications of TPA.

First, as the Chairman of the House Financial Services Subcommittee on International Monetary Policy and Trade, this Member has focused on the importance of financial services trade, which includes banking, insurance, and securities. This Subcommittee was told in a June 2001 hearing that U.S. trade in financial services equaled $20.5 billion in 2000. This is a 26.7 percent increase from the U.S.'s 1999 financial services trade data. Unlike the current overall U.S. trade deficit, U.S. financial services trade had a positive balance of $8.8 billion in 2000.

The numbers for U.S. financial services trade have the potential to significantly increase if TPA is enacted into law. The U.S. is the preeminent world leader in financial services. TPA would further empower the United States Trade Representative to negotiate with foreign nations to open these insurance, banking, and securities markets and to expand access to these diverse financial service products.

Certainly, TPA would particularly benefit U.S. financial services trade as it relates to the Free Trade Area of the Americas since many of the involved countries are emerging markets where there will be an increasing demand for sophisticated financial services. Furthermore, TPA would also benefit financial services trade as it is part of the larger framework of the World Trade Organization (WTO) General Agreement on Trade in Services (GATS). In 2000, GATS members began a new round of service negotiations.

Second, the Bipartisan Trade Promotion Authority Act of 2001 includes important labor and environmental provisions. For example, among other provisions, TPA adds a principal U.S. negotiating objective to ensure that a party to a trade agreement does not fail to effectively enforce its own labor or environmental laws. This type of provision was also included in the U.S.-Jordan Free Trade Agreement which was signed into law on September 28, 2001 (Public Law No. 107–43).

Third, it is important to note that this legislation has strong congressional consultation provisions for before, during, and after the negotiations of trade agreements. For example, the President is required, before initiating negotiations, to provide written notice and to consult with the relevant House and Senate committees of jurisdiction and a Congressional Oversight Group at least 90 calendar days prior to entering into trade negotiations. This Congressional Oversight Group, who would be accredited as official advisers to the United States Trade Representative, would provide advice regarding formulation of specific objectives, negotiating strategies and positions, and development of the trade agreement. In addition, TPA would not apply to an agreement if both Houses separately agree to a procedural disapproval resolution within any 60-day period stating that the Administration has failed to consult Congress.

Fourth, enactment of TPA is required to secure a constitutionally sound basis for American trade policy in the globalized economic environment focusing our country today. Under Article II of the U.S. Constitution, the President is given the authority to negotiate treaties and international agreements. However, under Article I of the U.S. Constitution, Congress is given the power to regulate foreign commerce. In this TPA legislation, any trade agreement still has to be approved by Congress by a ''yes'' or ''no'' vote, without any amendments, by both the House and the Senate before it can be signed into law. As a result, TPA does not impinge upon the exclusive power of Congress to regulate foreign commerce. Furthermore, the U.S. Constitution does not ban the adoption of a Senate or House rule which prohibits amendments from being offered to a bill during Floor consideration. In fact, the House considers bills almost every legislative week which cannot be amended on the Suspension Calendar.

Fifth, extending TPA to the President has critical national security implications. Indeed, the terrorist attacks of September 11th highlight the extend to which American security is placed at risk when the U.S. fails to remain engaged in areas around the world. Many countries of Central America, South America, Asia, and Africa have fragile democratic institutions and market economies. They remain in peril of falling into the hands of unfriendly regimes unless the U.S. helps to develop the kind of economic stability underpinning democratic societies that enhanced trading opportunities can provide.

In conclusion, for the above stated reasons and many others, this Member strongly supports TPA because it is absolutely critically important to the health and the future growth of the U.S. economy. Therefore, this Member very strongly urges his colleagues to support H.R. 3005. This is probably the most important vote of the 107th Congress.

Mr. HYDE. Mr. Speaker, I rise in strong support of the Bipartisan Trade Promotion Authority Act of 2001, H.R. 3005, a measure granting Trade Promotion Authority, TPA, to President Bush, an authority which lapsed in 1994. One of the most important votes we will be asked to cast in this Congress, the enactment of this measure is essential to our national interest and our long-term economic growth and prosperity.

Without this authority, U.S. negotiators will continue to find themselves outside looking in on trade competitors concluding one trade agreement after another that protects their interests and ignores ours. There are over 130 such preferential agreements in place today and the U.S. is a party to only three.

Our trade competitors have clearly taken advantage of our inability to negotiate without this authority. Our NAFTA trade partners, Canada and Mexico, have, for example, signed preferential trade agreements with other countries of South and Central America ensuring that our exporters are at a competitive disadvantage.

Our hopes for this hemisphere rest upon the economic advancement of all. And during the past decade there were many positive signs as almost every country in the region embraced the free market and implemented a far-reaching series of economic reforms, thereby laying the foundation for sustained growth. We are only at the beginning of this process, however.

Too many in this rich hemisphere remain poor; too many countries remain underdeveloped; and too many workers are denied access to increased economic opportunities. There are many obstacles that need to be overcome in this effort, but one easy way to

expand economic opportunity for every country in this hemisphere is to remove its outdated and self-limiting barriers to trade. This is what the Free Trade Area of Americas (FTAA) represents: the recognition that protectionism is a dead end street and that the economic interests of each country are best advanced through cooperation and an openness to the world.

President Bush has rightly made the FTAA the centerpiece of U.S. policy towards the hemisphere, but we cannot succeed in this effort without trade promotion authority.

We now find ourselves in the ironic situation that the greatest advocates of this agreement are the countries of Central and South America which formerly blockaded themselves virtually every U.S. proposal for expanded cooperation. Now it is they who are knocking on our door, preaching the benefits of cooperation.

A ''no'' voted today will only ties the hands of our trade negotiators who are trying to lower tariff and non-tariff barriers, to increase economic opportunity here and abroad, and to jump-start the global economy.

NAFTA and the most recent global trade agreement (the ''Uruguay Round'') have saved the average American family $1,300 to $2,000 each year from the combined effect of income increases and lower prices for imports. These two agreements are estimated to have increased overall U.S. national income by approximately $50 billion a year.

Many Members, on the Republican as well as Democratic side of the aisle, are concerned, however, that granting the President ''a blank check'' to negotiate trade agreements could compromise our values and set back efforts to reform the World Trade Organization.

But the text of the proposed trade legislation clearly spells out our commitment to democracy, improved trade and environmental policies, respect for worker rights and the rights of children consistent with the core labor standards of the International Labor Organization.

It also includes our commitment to greater openness and transparency inside the global rule-making body, the World Trade Organization and to much greater public access to its dispute settlement proceedings.

For those members who remain unconvinced that the President would put his TPA authority to good use, I emphasize that Congress retains the right to approve or disapprove any trade agreement negotiated under the TPA authority. Any Member can vote down any future trade agreement if he or she feels that it doesn't promote our economic security.

Our failure to grant the President this vitally needed authority will lead to the continuing loss of American influence in global trade debates and a continuation of the global economic recession. The U.S. has long been the engine of the global economy and without this key trade authority we will be hard pressed to lead Europe and Asia back onto the growth path of the 1990s.

At this critical point in our global anti-terrorism battle, it is also essential, in my view, that we enable the President to build stable trade relationships with our key coalition partners.

We can—and should—esnure that the views of our committee are fully taken into account in the drafting of any future trade negotiations, and I will help to ensure that this takes place.

Without TPA, we won't have the tools needed to jump start the global economy to help lift us out of economic recession.

With TPA, they can finish the task of building a Free Trade Area of the Americas and negotiating a new trade round. With TPA, our President can once again exercise leadership to foster open markets, democracy and economic development.

Security and trade issues are increasingly linked. Bringing China, and eventually Russia, into the world trading system will help to ensure that these and other countries will strengthen the rule of law and promote more open economic systems.

NATO's role in the world is only as strong as the economies of its members and without TPA and a new round of trade negotiations the global recession is likely to be that much longer and deeper.

Support the President and pass H.R. 3005.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise to support H.R. 3005, the Trade Promotion Authority Act of 2001.

I believe passage of this important legislation is crucial to America's economic interest, especially in light of the recession. H.R. 3005 is significant because it seeks to renew the President's fast track or trade promotion authority (TPA) to negotiate trade agreements with other nations. This legislation would ensure that the United States can effectively negotiate away foreign tariff barriers as well as non-tariff barriers that now exclude U.S. products. It gives the U.S. credibility to negotiate tough trade deals while preserving Congress' right to approve or disapprove them. More importantly, if the U.S. fails to be a leading participant in future negotiations on multilateral, bilateral and sectoral agreements, we will see a negative effect on our competitive ability to sell our goods in overseas markets. Our global economy demands that the President have TPA to open up foreign markets to United States products and ensure continued economic prosperity for American consumers and workers. For this reason, I fully support giving the President this important tool that every President, except for President Bill Clinton, has had since 1974.

TPA allows the President to enter into trade agreements reducing, eliminating, or otherwise affecting U.S. tariff and non-tariff barriers. It essentially commits the Congress to vote on those agreements (without amendments or revisions) within a limited period of time. Under H.R. 3005, the President must also consult and coordinate with Congress throughout the negotiating process. In any event, if Congress does not like the end result, members can simply vote against the total package.

Mr. Speaker, 95 percent of the world's consumers living outside of the United States. Let me repeat: 95 percent of the world's consumers live outside the U.S. That means quite simply, that the continued growth of the U.S. economy depends upon our success in eliminating trade barriers around the globe. Since 1993, U.S. exports have contributed to nearly one-third of the nation's economic growth and have increased three times faster than overall income. Moreover, between 1986 and 1994, jobs supported by exports rose 63 percent more than four times faster than overall private industry job growth.

Free trade is especially important to the Commonwealth of Virginia. In 1996, Virginia exported goods worth $10.9 billion, 4.8 percent higher than in 1995. As the 16th largest exporter among the 50 states, Virginia industries have benefitted tremendously from international trade, particularly in the high-tech, industrial machinery, transportation equipment, and chemical and fabricated metal products exporting sectors.

U.S. technology companies are the single largest merchandise exporters in the United States, accounting for 20 percent of all merchandise exports. Exports from the U.S. have more than doubled during the last decade. In particular, high-tech services such as computer, data processing and other information services are booming. While these exports are vital, imports are also important. They help keep inflation in check, give consumers greater choice, create jobs, and allow U.S. companies to use the best technology available so they can increase their productivity and competitiveness.

Since TPA lapsed in 1993, the U.S. has been forced to sit on the sidelines while our foreign competitors aggressively pursued their own economic interests through trade agreements. For example: both Canada and Mexico now have free trade agreements with Chile; the Latin American Southern Cone Common Market (''Mercosur''), which consists of Brazil, Argentina, Paraguay, and Uruguay, has agreements with Chile and Bolivia and is negotiating trade arrangements with other countries in Latin America; Japan and the European Union are working toward trade arrangements with countries in Latin America and Asia; and Members of the Association of Southeast Asian Nations (ASEAN) are implementing a free trade area.

The President must have the authority to begin hammering out fair and balanced trade agreements that will clinch America's leadership role in the world market and improve the standard of living for American families. H.R. 3005 is a reasonable compromise that will enable the United States to stimulate economic growth, exercise leadership, and provide new opportunities for American companies, workers and their families. The U.S. is not keeping pace with our foreign competitors in opening up markets. We are party to only two of the more than 130 free trade agreements, and 43 of the 1,800 bilateral investment agreements in force today. The impact of U.S. inaction cannot be overstated: we face discriminatory tariffs; our service sectors are often at a competitive disadvantage against their foreign rivals; product standards are established that favor our foreign competitors; and foreign companies are often granted more favorable investment terms.

By granting the President this authority we will guarantee that the U.S. remains both the political and economic world leader. Right now, while the U.S. stands on the sidelines, other nations have gotten the jump on negotiating trade agreements that benefit their domestic interest.

U.S. exporters lose out on investment opportunities while the Congress debates whether we as a nation should be engaged in serious world trade. The time for debate is over; the time for action is now.

Without the authority provided by this legislation, U.S. negotiators will not be able to sit across the table from our largest trading partners and reach agreements that lower tariffs, increase transparency and lessen onerous regulations in prospective markets. Instead, it

will be our trading partners who negotiate free trade pacts among themselves, excluding U.S. workers and businesses from the benefits of open markets. We cannot afford to sit idly by while other nations seize the mantle of leadership on trade matters from the United States.

The September 11th attacks on America and the ensuing sluggish economy make it more important than ever for Congress to give the President unfettered authority to tear down barriers to trade and investment, expand markets for U.S. farmers and businesses, and create higher-skilled, higher-paying jobs for American workers. Because TPA is crucial to these objectives, I urge all of my colleagues to vote in favor of H.R. 3005

Mr. CANTOR. Mr. Speaker, I rise today in support of H.R. 3005, the Bipartisan Trade Promotion Authority and encourage its overwhelming passage.

Mr. Speaker, my colleagues on the other side of the aisle claim that trade promotion authority will result in a diminished quality of life while creating low paying jobs in countries around the world.

This could not be further from the truth and our trade with Mexico is the perfect example to illustrate this point.

Since NAFTA, wages in Mexico increased at an average annual rate of 10.3 percent from 1995–2000.

The standard of living in Mexico between 1993–1999 increased at an average annual rate of 8 percent.

Approximately 1.7 million jobs have been created in Mexico since mid-1995, according to Mexican government figures.

Moreover unemployment in Mexico fell from nearly 6.3 percent in 1995 to just over 2.5 percent in 1999.

In the year 2000, U.S. companies have had direct investment worth $35 million in Mexico, up from $17 billion in 1994.

Not only is NAFTA raising the standard of living and creating jobs in Mexico, but it is doing so in the United States as well.

NAFTA allowed U.S. exports to Canada and Mexico to rise by $149 billion, leading to new sales that helped create nearly three million jobs.

Export-related jobs pay on average 13–16 percent more than comparable domestic jobs.

United States trade interests will continue to suffer if we do not grant the President trade promotion authority.

In an editorial that appeared in the Wall Street Journal, European Union commissioner for trade, Pascal Lamy, was quoted as saying that, ''If the United States does not get this mandate quickly, then no one will negotiate.''

Brazilian Ambassador Rubens Barbosa has warned that a TPA failure would all but sink talks for a new 34-country Free Trade Area of the Americas.

In Chile, United States exports are being displaced as Chilean buyers switch away from United States made products and increasingly buy goods from suppliers in countries with which Chile has a free trade agreement.

The United States has lost 6 percentage points of the Chilean import market since 1997, resulting in the loss of more than $800 million annually in exports to Chile.

This represents a loss of more than 10,000 American Jobs. The point is clear.

Increased international trade and investments will create opportunities for American companies and American workers, lifting the world's standard of living and creating even more demand for American goods and services.

I urge passage of the bill.

The SPEAKER pro tempore (Mr. LAHOOD). All time for debate has expired.

Pursuant to House Resolution 306, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. RANGEL

Mr. RANGEL. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. RANGEL. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. RANGEL moves to recommit the bill H.R. 3005 to the Committee on Ways and Means with instructions that the Committee report back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Comprehensive Trade Negotiating Authority Act of 2001''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is the following:

SEC. 2. NEGOTIATING OBJECTIVES.

(a) OVERALL TRADE NEGOTIATING OBJECTIVES.—The overall trade negotiating objectives of the United States for agreements subject to the provisions of section 4 are the following:

(1) To obtain clear and specific commitments from trading partners of the United States to fulfill existing international trade obligations according to existing schedules.

(2) To obtain more open, equitable, and reciprocal market access for United States agricultural products, manufactured and other nonagricultural products, and services.

(3) To obtain the reduction or elimination of barriers to trade, including barriers that result from failure of governments to publish laws, rules, policies, practices, and administrative and judicial decisions.

(4) To ensure effective implementation of trade commitments and obligations by strengthening the effective operation of the rule of law by trading partners of the United States.

(5) To oppose any attempts to weaken in any respect the trade remedy laws of the United States.

(6) To increase public access to international, regional, and bilateral trade organizations in which the United States is a member by developing such organizations and their underlying agreements in ways that make the resources of such organizations more accessible to, and their decision-making processes more open to participation by, workers, farmers, businesses, and non-governmental organizations.

(7) To ensure that the dispute settlement mechanisms in multilateral, regional, and bilateral agreements lead to prompt and full compliance.

(8) To ensure that the benefits of trade extend broadly and fully to all segments of society.

(9) To pursue market access initiatives that benefit the world's least-developed countries.

(10) To ensure that trade rules take into account the special needs of least-developed countries.

(11) To promote enforcement of internationally recognized core labor standards by trading partners of the United States.

(12) To promote the ongoing improvement of environmental protections.

(13) To promote the compatibility of trade rules with national environmental, health, and safety standards and with multilateral environmental agreements.

(14) To identify and pursue those areas of trade liberalization, such as trade in environmental technologies, that also promote protection of the environment.

(15) To ensure that existing and new rules of the WTO and of regional and bilateral trade agreements support sustainable development, protection of endangered species, and reduction of air and water pollution.

(16) To ensure that existing and new rules of the WTO and of regional and bilateral agreements are written, interpreted, and applied in such a way as to facilitate the growth of electronic commerce.

(b) PRINCIPAL NEGOTIATING OBJECTIVES UNDER THE WTO.—The principal negotiating objectives of the United States under the auspices of the WTO are the following:

(1) RECIPROCAL TRADE IN AGRICULTURE.—The principal negotiating objective of the United States with respect to agriculture is to obtain competitive opportunities for United States exports of agricultural commodities in foreign markets equal to the competitive opportunities afforded foreign exports in United States markets and to achieve fairer and more open conditions of trade in bulk, specialty crop, and value-added commodities by doing the following:

(A) Reducing or eliminating, by a date certain, tariffs or other charges that decrease market opportunities for United States exports, giving priority to those products that are subject to significantly higher tariffs or subsidy regimes of major producing countries and providing reasonable adjustment periods for import sensitive products of the United States, in close consultation with the Congress.

(B) Eliminating disparities between applied and bound tariffs by reducing bound tariff levels.

(C) Enhancing the transparency of tariff regimes.

(D) Tightening disciplines governing the administration of tariff rate quotas.

(E) Eliminating export subsidies.

(F) Eliminating or reducing trade distorting domestic subsidies.

(G) When negotiating reduction or elimination of export subsidies or trade distorting domestic subsidies with countries that maintain higher levels of such subsidies than the United States, obtaining reductions from other countries to United States subsidy levels before agreeing to reduce or eliminate United States subsidies.

(H) Preserving United States market development programs, including agriculture export credit programs that allow the United States to compete with other foreign export promotion efforts.

(I) Maintaining bona fide food aid programs.

(J) Allowing the preservation of programs that support family farms and rural communities but do not distort trade.

(K) Eliminating state trading enterprises, or, at a minimum, adopting rigorous disciplines that ensure transparency in the operations of such enterprises, including price transparency, competition, and the end of discriminatory policies and practices, including policies and practices supporting cross-subsidization, price discrimination, and price undercutting in export markets.

(L) Eliminating practices that adversely affect trade in perishable or seasonal products, while improving import relief mechanisms to recognize the unique characteristics of perishable and seasonal agriculture. Before commencing negotiations with respect to agriculture, the Trade Representative, in consultation with the Congress, shall seek to develop a position on the treatment of perishable and seasonal food products to be employed in the negotiations in order to develop an international consensus on the treatment of such products in antidumping, countervailing duty, and safeguard actions and in any other relevant area.

(M) Taking into account whether a party to the negotiations has failed to adhere to the provisions of already existing trade agreements with the United States or has circumvented obligations under those agreements.

(N) Taking into account whether a product is subject to market distortions by reason of a failure of a major producing country to adhere to the provisions of already existing trade agreements with the United States or by the circumvention by that country of its obligations under those agreements.

(O) Taking into account the impact that agreements covering agriculture to which the United States is a party, including NAFTA, have had on the agricultural sector in the United States.

(P) Ensuring that countries that accede to the WTO have made meaningful market liberalization commitments in agriculture.

(Q) Treating the negotiation of all issues as a single undertaking, with implementation of early agreements in particular sectors contingent on an acceptable final package of agreements on all issues.

(2) TRADE IN SERVICES.—The principal negotiating objective of the United States with respect to trade in services is to further reduce or eliminate barriers to, or other distortions of, international trade in services by doing the following:

(A) Pursuing agreement by WTO members to extend their commitments under the General Agreement on Trade in Services (in this section also referred to as ''GATS'') to—

(i) achieve maximum liberalization of market access in all modes of supply, including by removing restrictions on the legal form of an investment or on the right to own all or a majority share of a service supplier, subject to national security exceptions;

(ii) remove regulatory and other barriers that deny national treatment, or unreasonably restrict the establishment or operations of service suppliers in foreign markets;

(iii) reduce or eliminate any adverse effects of existing government measures on trade in services;

(iv) eliminate additional barriers to trade in services, including restrictions on access to services distribution networks and information systems, unreasonable or discriminatory licensing requirements, the administration of cartels or toleration of anticompetitive activity, unreasonable delegation of regulatory powers to private entities, and similar government acts, measures, or policies affecting the sale, offering for sale, purchase, distribution, or use of services that have the effect of restricting access of services and service suppliers to a foreign market; and

(v) grandfather existing concessions and liberalization commitments.

(B) Strengthening requirements under GATS to ensure that regulation of services and service suppliers in all respects, including by rulemaking, license-granting, standards-setting, and through judicial, administrative, and arbitral proceedings, is conducted in a transparent, reasonable, objective, and impartial manner and is otherwise consistent with principles of due process.

(C) Continuing to oppose strongly cultural exceptions to obligations under GATS, especially relating to audiovisual services and service providers.

(D) Preventing discrimination against a like service when delivered through electronic means.

(E) Pursuing full market access and national treatment commitments for services sectors essential to supporting electronic commerce.

(F) Broadening and deepening commitments of other countries relating to basic and value added telecommunications, including by—

(i) strengthening obligations and the implementation of obligations to ensure competitive, nondiscriminatory access to public telecommunication networks and services for Internet service providers and other value-added service providers; and

(ii) preventing anticompetitive behavior by major suppliers, including service suppliers that are either government owned or controlled or recently government owned or controlled.

(G) Broadening and deepening commitments of other countries relating to financial services.

(3) TRADE IN MANUFACTURED AND NONAGRICULTURAL GOODS.—The principal negotiating objectives of the United States with respect to trade in manufactured and nonagricultural goods are the following:

(A) To eliminate disparities between applied and bound tariffs by reducing bound tariff levels.

(B) To negotiate an agreement that includes reciprocal commitments to eliminate duties in sectors in which tariffs are currently approaching zero.

(C) To eliminate tariff and nontariff disparities remaining from previous rounds of multilateral trade negotiations that have put United States exports at a competitive disadvantage in world markets, especially tariff and nontariff barriers in foreign countries in those sectors where the United States imposes no significant barriers to imports and where foreign tariff and nontariff barriers are substantial.

(D) To obtain the reduction or elimination of tariffs on value-added products that provide a disproportionate level of protection compared to that provided to raw materials.

(E) To eliminate additional nontariff barriers to trade, including—

(i) anticompetitive restrictions on access to product distribution networks and information systems;

(ii) unreasonable or discriminatory inspection processes;

(iii) the administration of cartels, or the promotion, enabling, or toleration of anticompetitive activity;

(iv) unreasonable delegation of regulatory powers to private entities;

(v) unreasonable or discriminatory licensing requirements; and

(vi) similar government acts, measures, or policies affecting the sale, offering for sale, purchase, transportation, distribution, or use of goods that have the effect of restricting access of goods to a foreign market.

(4) TRADE IN CIVIL AIRCRAFT.—The principal negotiating objectives of the United States with respect to civil aircraft are those contained section 135(c) of the Uruguay Round Agreements Act (19 U.S.C. 3555(c)).

(5) RULES OF ORIGIN.—The principal negotiating objective of the United States with respect to rules of origin is to conclude the work program on rules of origin described in Article 9 of the Agreement on Rules of Origin.

(6) DISPUTE SETTLEMENT.—The principal negotiating objectives of the United States with respect to dispute settlement are the following:

(A) To improve enforcement of decisions of dispute settlement panels to ensure prompt compliance by foreign governments with their obligations under the WTO.

(B) To strengthen rules that promote cooperation by the governments of WTO members in producing evidence in connection with dispute settlement proceedings, including copies of laws, regulations, and other measures that are the subject of or are directly relevant to the dispute, other than evidence that is classified on the basis of national security, and evidence that is business confidential.

(C) To pursue rules for the management of translation-related issues.

(D) To require that all submissions by governments to dispute settlement panels and the Appellate Body be made available to the public upon submission, providing appropriate exceptions for only that information included in a submission that is classified on the basis of national security or that is business confidential.

(E) To require that meetings of dispute settlement panels and the Appellate Body with parties to a dispute are open to other WTO members and the public and provide for in camera treatment of only those portions of a proceeding dealing with evidence that is classified on the basis of national security or that is business confidential.

(F) To require that transcripts of proceedings of dispute settlement panels and the Appellate Body be made available to the public promptly, providing appropriate exceptions for only that information included in the transcripts that is classified on the basis of national security or that is business confidential.

(G) To establish rules allowing for the submission of amicus curiae briefs to dispute settlement panels and the Appellate Body, and to require that such briefs be made available to the public, providing appropriate exceptions for only that information included in the briefs which is classified on the basis of national security or that is business confidential.

(H) To strengthen rules protecting against conflicts of interest by members of dispute settlement panels and the Appellate Body, and promoting the selection of such members with the skills and time necessary to decide increasingly complex cases.

(I) To pursue the establishment of formal procedures under which dispute settlement panels, the Appellate Body, and the Dispute Settlement Body seek advice from other fora of competent jurisdiction, such as the International Court of Justice, the ILO, representative bodies established under international environmental agreements, and scientific experts.

(J) To ensure application of the requirement that dispute settlement panels and the Appellate Body apply the standard of review

established in Article 17.6 of the Antidumping Agreement and clarify that this standard of review should apply to cases under the Agreement on Subsidies and Countervailing Measures and the Agreement on Safeguards.

(7) SANITARY AND PHYTOSANITARY MEASURES.—The principal negotiating objectives of the United States with respect to sanitary and phytosanitary measures are the following:

(A) To oppose reopening of the Agreement on the Application of Sanitary and Phytosanitary Measures.

(B) To affirm the compatibility of trade rules with measures to protect human health, animal health, and the phytosanitary situation of each WTO member by doing the following:

(i) Reaffirming that a decision of a WTO member not to adopt an international standard for the basis of a sanitary or phytosanitary measure does not in itself create a presumption of inconsistency with the Agreement on the Application of Sanitary and Phytosanitary Measures, and that the initial burden of proof rests with the complaining party, as set forth in the determination of the Appellate Body in EC Measures Concerning Meat and Meat Products (Hormones), AB–1997–4, WT/DS26/AB/R, January 16, 1998.

(ii) Reaffirming that WTO members may take provisional sanitary or phytosanitary measures where the relevant scientific evidence is insufficient, so long as such measures are based on available pertinent information, and members taking such provisional measures seek to obtain the additional information necessary to complete a risk assessment within a reasonable period of time. For purposes of this clause, a reasonable period of time includes sufficient time to evaluate the potential for adverse effects on human or animal health arising from the presence of additives, contaminants, toxins, or disease-causing organisms in food, beverages, or feedstuffs.

(8) TECHNICAL BARRIERS TO TRADE.—The principal negotiating objectives of the United States with respect to technical barriers to trade are the following:

(A) To oppose reopening of the Agreement on Technical Barriers to Trade.

(B) Recognizing the legitimate role of labeling that provides relevant information to consumers, to ensure that labeling regulations and standards do not have the effect of creating an unnecessary obstacle to trade or are used as a disguised barrier to trade by increasing transparency in the preparation, adoption, and application of labeling regulations and standards.

(9) TRADE-RELATED ASPECTS OF INTELLECTUAL PROPERTY RIGHTS.—The principal negotiating objectives of the United States with respect to trade-related aspects of intellectual property rights are the following:

(A) To oppose extension of the date by which WTO members that are developing countries must implement their obligations under the Agreement on Trade Related Aspects of Intellectual Property Rights (in this section also referred to as the ''TRIPs Agreement''), pursuant to paragraph 2 of Article 65 of that agreement.

(B) To oppose extension of the moratorium on the application of subparagraphs 1(b) and 1(c) of Article XXIII of the GATT 1994 to the settlement of disputes under the TRIPs Agreement, pursuant to paragraph 2 of Article 64 of the TRIPs Agreement.

(C) To oppose any weakening of existing obligations of WTO members under the TRIPs Agreement.

(D) To ensure that standards of protection and enforcement keep pace with technological developments, including ensuring that rightholders have the legal and technological means to control the use of their works through the Internet and other global communication media, and to prevent the unauthorized use of their works.

(E) To prevent misuse of reference pricing classification systems by developed countries as a way to discriminate against innovative pharmaceutical products and innovative medical devices, without challenging legitimate reference pricing systems not used as a disguised restriction on trade.

(F)(i) To clarify that under Article 31 of the TRIPs Agreement WTO members are able to adopt measures necessary to protect the public health and to respond to situations of national emergency or extreme urgency, including by taking actions that have the effect of increasing access to essential medicines and medical technologies.

(ii) In situations involving infectious diseases, to encourage WTO members that take actions described under clause (i) to also implement policies—

(I) to address the underlying causes necessitating the actions, including, in the case of infectious diseases, encouraging practices that will prevent further transmission and infection;

(II) to take steps to stimulate the development of the infrastructure necessary to deliver adequate health care services, including the essential medicines and medical technologies at issue;

(III) to ensure the safety and efficacy of the essential medicines and medical technologies involved; and

(IV) to make reasonable efforts to address the problems of supply of the essential medicines and medical technologies involved (other than by compulsory licensing), consistent with the obligation set forth in Article 31 of the TRIPs Agreement.

(iii) To encourage members of the Organization for Economic Cooperation and Development and the private sectors in their countries to work with the United Nations, the World Health Organization, and other relevant international organizations, including humanitarian relief organizations, to assist least-developed and developing countries, in all possible ways, in increasing access to essential medicines and medical technologies including through donations, sales at cost, funding of global medicines trust funds, and developing and implementing prevention efforts and health care infrastructure projects.

(10) TRANSPARENCY.—The principal negotiating objectives of the United States with respect to transparency are the following:

(A) To pursue the negotiation of an agreement—

(i) requiring that government laws, rules, and administrative and judicial decisions be published and made available to the public so that governments, businesses, and the public have adequate notice of them;

(ii) requiring adequate notice before new rules are promulgated or existing rules amended;

(iii) encouraging governments to open rulemaking to public comment;

(iv) establishing that any administrative proceeding conducted by the government of any WTO member relating to any of the WTO Agreements and applied to the persons, goods, or services of any other WTO member shall be conducted in a manner that—

(I) gives persons of any other WTO member affected by the proceeding reasonable notice, in accordance with domestic procedures, of when the proceeding is initiated, including a description of the nature of the proceeding, a statement of the legal authority under which the proceeding is initiated, and a general description of any issues in controversy;

(II) gives such persons a reasonable opportunity to present facts and arguments in support of their positions prior to any final administrative action, when time, the nature of the proceeding, and the public interest permit; and

(III) is in accordance with domestic law; and

(v) requiring each WTO member—

(I) to establish or maintain judicial, quasi-judicial, or administrative tribunals (impartial and independent of the office or authority entrusted with administrative enforcement) or procedures for the purpose of the prompt review and, where warranted, correction of final administrative actions regarding matters covered by any of the WTO Agreements;

(II) to ensure that, in such tribunals or procedures, parties to the proceeding are afforded a reasonable opportunity to support or defend their respective positions; and

(III) to ensure that such tribunals or procedures issue decisions based on the evidence and submissions of record or, where required by domestic law, the record compiled by the office or authority entrusted with administrative enforcement.

(B) To pursue a commitment by all WTO members to improve the public's understanding of and access to the WTO and its related agreements by—

(i) encouraging the Secretariat of the WTO to enhance the WTO website by providing improved access to a wider array of WTO documents and information on the trade regimes of, and other relevant information on, WTO members;

(ii) promoting public access to council and committee meetings by ensuring that agendas and meeting minutes continue to be made available to the public;

(iii) ensuring that WTO documents that are most informative of WTO activities are circulated on an unrestricted basis or, if classified, are made available to the public more quickly;

(iv) seeking the institution of regular meetings between WTO officials and representatives of nongovernmental organizations, businesses and business groups, labor unions, consumer groups, and other representatives of civil society; and

(v) supporting the creation of a committee within the WTO to oversee implementation of the agreement reached under this paragraph.

(11) GOVERNMENT PROCUREMENT.—The principal negotiating objectives of the United States with respect to government procurement are the following:

(A) To seek to expand the membership of the Agreement on Government Procurement.

(B) To seek conclusion of a WTO agreement on transparency in government procurement.

(C) To promote global use of electronic publication of procurement information, including notices of procurement opportunities.

(12) TRADE REMEDY LAWS.—The principal negotiating objectives of the United States with respect to trade remedy laws are the following:

(A) To preserve the ability of the United States to enforce vigorously its trade laws, including the antidumping, countervailing duty, and safeguard laws, and not enter into agreements that lessen in any respect the effectiveness of domestic and international disciplines—

(i) on unfair trade, especially dumping and subsidies, or

(ii) that address import increases or surges, such as under the safeguard remedy,

in order to ensure that United States workers, farmers and agricultural producers, and

firms can compete fully on fair terms and enjoy the benefits of reciprocal trade concessions.

(B) To eliminate the underlying causes of unfair trade practices and import surges, including closed markets, subsidization, government practices promoting, enabling, or tolerating anticompetitive practices, and other forms of government intervention that generate or sustain excess, uneconomic capacity.

(13) TRADE AND LABOR MARKET STANDARDS.—The principal negotiating objectives of the United States with respect to trade and labor market standards are the following:

(A) To achieve a framework of enforceable multilateral rules as soon as practicable that leads to the adoption and enforcement of core, internationally recognized labor standards, including in the WTO and, as appropriate, other international organizations, including the ILO.

(B) To update Article XX of the GATT 1994, and Article XIV of the GATS in relation to core internationally recognized worker rights, including in regard to actions of WTO members taken consistent with and in furtherance of recommendations made by the ILO under Article 33 of the Constitution of the ILO.

(C) To establish promptly a working group on trade and labor issues—

(i) to explore the linkage between international trade and investment and internationally recognized worker rights (as defined in section 502(a)(4) of the Trade Act of 1974), taking into account differences in the level of development among countries;

(ii) to examine the effects on international trade and investment of the systematic denial of those worker rights;

(iii) to consider ways to address such effects; and

(iv) to develop methods to coordinate the work program of the working group with the ILO.

(D) To provide for regular review of adherence to core labor standards in the Trade Policy Review Mechanism established in Annex 3 to the WTO Agreement.

(E) To establish a working relationship between the WTO and the ILO—

(i) to identify opportunities in trade-affected sectors of the economies of WTO members to improve enforcement of internationally recognized core labor standards;

(ii) to provide WTO members with technical and legal assistance in developing and enforcing internationally recognized core labor standards; and

(iii) to provide technical assistance to the WTO to assist with the Trade Policy Review Mechanism.

(14) TRADE AND THE ENVIRONMENT.—The principal negotiating objectives of the United States with respect to trade and the environment are the following:

(A) To strengthen the role of the Committee on Trade and Environment of the WTO, including providing that the Committee would—

(i) review and comment on negotiations; and

(ii) review potential effects on the environment of WTO Agreements and future agreements of the WTO on liberalizing trade in natural resource products.

(B) To provide for regular review of adherence to environmental standards in the Trade Policy Review Mechanism of the WTO.

(C) To clarify exceptions under Article XX(b) and (g) of the GATT 1994 to ensure effective protection of human, animal, or plant life or health, and conservation of exhaustible natural resources.

(D) To amend Article XX of the GATT 1994 and Article XIV of the GATS to include an explicit exception for actions taken that are in accordance with those obligations under any multilateral environmental agreement accepted by both parties to a dispute.

(E) To amend Article XIV of the GATS to include an exception for measures relating to the conservation of exhaustible natural resources if such measures are made effective in conjunction with restrictions on domestic production or consumption.

(F) To give priority to trade liberalization measures that promote sustainable development, including eliminating duties on environmental goods, and obtaining commitments on environmental services.

(G) To reduce subsidies in natural resource sectors (including fisheries and forest products) and export subsidies in agriculture.

(H) To improve coordination between the WTO and relevant international environmental organizations in the development of multilaterally accepted principles for sustainable development, including sustainable forestry and fishery practices.

(15) INSTITUTION BUILDING.—The principal negotiating objectives of the United States with respect to institution building are the following:

(A) To strengthen institutional mechanisms within the WTO that facilitate dialogue and coordinate activities between nongovernmental organizations and the WTO.

(B) To seek greater transparency of WTO processes and procedures for all WTO members by—

(i) promoting the improvement of internal communication between the Secretariat and all WTO members; and

(ii) establishing points of contact to facilitate communication between WTO members on any matter covered by the WTO Agreements.

(C) To improve coordination between the WTO and other international organizations such as the International Bank for Reconstruction and Development, the International Monetary Fund, the ILO, the Organization for Economic Cooperation and Development, the United Nations Conference on Trade and Development, and the United Nations Environment Program to increase the effectiveness of technical assistance programs.

(D) To increase the efforts of the WTO, both on its own and through partnerships with other institutions, to provide technical assistance to developing countries, particularly least-developed countries, to promote the rule of law, to assist those countries in complying with their obligations under the World Trade Organization agreements, and to address the full range of challenges arising from implementation of such obligations.

(E) To improve the Trade Policy Review Mechanism of the WTO to cover a wider array of trade-related issues.

(16) TRADE AND INVESTMENT.—The principal negotiating objectives of the United States with respect to trade and investment are the following:

(A) To pursue further reduction of trade-distorting investment measures, including—

(i) by pursuing agreement to ensure the free transfer of funds related to investments;

(ii) by pursuing reduction or elimination of the exceptions to the principle of national treatment; and

(iii) by pursuing amendment of the illustrative list annexed to the WTO Agreement on Trade-Related Investment Measures (in this section also referred to as the ''TRIMs Agreement'') to include forced technology transfers, performance requirements, minimum investment levels, forced licensing of intellectual property, or other unreasonable barriers to the establishment or operation of investments as measures that are inconsistent with the obligation of national treatment provided for in paragraph 4 of Article III of the GATT 1994 or the obligation of general elimination of quantitative restrictions provided for in paragraph 1 of Article XI of the GATT 1994.

(B) To seek to strengthen the enforceability of and compliance with the TRIMs Agreement.

(17) ELECTRONIC COMMERCE.—The principal negotiating objectives of the United States with respect to electronic commerce are the following:

(A) Make permanent and binding the moratorium on customs duties on electronic transmissions declared in the WTO Ministerial Declaration of May 20, 1998.

(B) Ensure that current obligations, rules, disciplines, and commitments under the WTO apply to electronically delivered goods and services.

(C) Ensure that the classification of electronically delivered goods and services ensures the most liberal trade treatment possible.

(D) Ensure that electronically delivered goods and services receive no less favorable treatment under WTO trade rules and commitments than like products delivered in physical form.

(E) Ensure that governments refrain from implementing trade-related measures that impede electronic commerce.

(F) Where legitimate policy objectives require domestic regulations that affect electronic commerce, to obtain commitments that any such regulations are nondiscriminatory, transparent, and promote an open market environment.

(G) Pursue a procompetitive regulatory environment for basic and value-added telecommunications services abroad, so as to facilitate the conduct of electronic commerce.

(H) Focus any future WTO work program on electronic commerce on educating WTO members regarding the benefits of electronic commerce and on facilitating the liberalization of trade barriers in areas that directly impede the conduct of electronic commerce.

(18) DEVELOPING COUNTRIES.—The principal negotiating objectives of the United States with respect to developing countries are the following:

(A) To enter into trade agreements that promote the economic growth of both developing countries and the United States and the mutual expansion of market opportunities.

(B) To ensure appropriate phase-in periods with respect to the obligations of least-developed countries.

(C) To coordinate with the World Bank, the International Monetary Fund, and other international institutions to provide debt relief and other assistance to promote the rule of law and sound and sustainable development.

(D) To accelerate tariff reductions that benefit least-developed countries.

(19) CURRENT ACCOUNT SURPLUSES.—The principal negotiating objective of the United States with respect to current account surpluses is to develop rules to address large and persistent global current account imbalances of countries, including imbalances that threaten the stability of the international trading system, by imposing greater responsibility on such countries to undertake policy changes aimed at restoring current account equilibrium, including expedited implementation of trade agreements where feasible and appropriate or by offering debt repayment on concessional terms.

(20) TRADE AND MONETARY COORDINATION.—The principal negotiating objective of the United States with respect to trade and monetary coordination is to foster stability in international currency markets and develop

mechanisms to assure greater coordination, consistency, and cooperation between international trade and monetary systems and institutions in order to protect against the trade consequences of significant and unanticipated currency movements.

(21) ACCESS TO HIGH TECHNOLOGY.—The principal negotiating objectives of the United States with respect to access to high technology are the following:

(A) To obtain the elimination or reduction of foreign barriers to, and of acts, policies, or practices by foreign governments which limit, equitable access by United States persons to foreign-developed technology.

(B) To seek the elimination of tariffs on all information technology products, infrastructure equipment, scientific instruments, and medical equipment.

(C) To pursue the reduction of foreign barriers to high technology products of the United States.

(D) To enforce and promote the Agreement on Technical Barriers to Trade, and ensure that standards, conformity assessments, and technical regulations are not used as obstacles to trade in information technology and communications products.

(E) To require all WTO members to sign the Information Technology Agreement of the WTO, and to expand and update product coverage under that agreement.

(22) CORRUPTION.—The principal negotiating objectives of the United States with respect to the use of money or other things of value to influence acts, decisions, or omissions of foreign governments or officials or to secure any improper advantage in a manner affecting trade are the following:

(A) To obtain standards applicable to persons from all countries participating in the applicable trade agreement that are equivalent to, or more restrictive than, the prohibitions applicable to issuers, domestic concerns, and other persons under section 30A of the Securities and Exchange Act of 1934 and sections 104 and 104A of the Foreign Corrupt Practices Act of 1977.

(B) To implement mechanisms to ensure effective enforcement of the standards described in subparagraph (A).

(23) IMPLEMENTATION OF EXISTING COMMITMENTS AND IMPROVEMENT OF THE WTO AND THE WTO AGREEMENTS.—The principal negotiating objectives of the United States with respect to implementation of existing commitments under the WTO are the following:

(A) To ensure that all WTO members comply fully with existing obligations under the WTO according to existing commitments and timetables.

(B) To strengthen the ability of the Trade Policy Review Mechanism within the WTO to review implementation by WTO members of commitments under the WTO.

(C) To undertake diplomatic and, as appropriate, dispute settlement efforts to promote compliance with commitments under the WTO.

(D) To extend the coverage of the WTO Agreements to products, sectors, and conditions of trade not adequately covered.

(c) NEGOTIATING OBJECTIVES FOR THE FTAA.—The principal negotiating objectives of the United States in seeking a trade agreement establishing a Free Trade Area for the Americas are the following:

(1) RECIPROCAL TRADE IN AGRICULTURE.—The principal negotiating objective of the United States with respect to agriculture is to obtain competitive opportunities for United States exports of agricultural commodities in foreign markets equal to the competitive opportunities afforded foreign exports in United States markets and to achieve fairer and more open conditions of trade in bulk, specialty crop, and value-added commodities by doing the following:

(A) Reducing or eliminating, by a date certain, tariffs or other charges that decrease market opportunities for United States exports, giving priority to those products that are subject to significantly higher tariffs or subsidy regimes of major producing countries and providing reasonable adjustment periods for import sensitive products of the United States, in close consultation with Congress.

(B) Eliminating disparities between applied and bound tariffs by reducing bound tariff levels.

(C) Enhancing the transparency of tariff regimes.

(D) Tightening disciplines governing the administration of tariff rate quotas.

(E) Establishing mechanisms to prevent agricultural products from being exported to FTAA members by countries that are not FTAA members with the aid of export subsidies.

(F) Maintaining bona fide food aid programs.

(G) Allowing the preservation of programs that support family farms and rural communities but do not distort trade.

(H) Eliminating state trading enterprises or, at a minimum, adopting rigorous disciplines that ensure transparency in the operations of such enterprises, including price transparency, competition, and the end of discriminatory practices, including policies supporting cross-subsidization, price discrimination, and price undercutting in export markets.

(I) Eliminating technology-based discrimination against agricultural commodities, and ensuring that the rules negotiated do not weaken rights and obligations under the Agreement on the Application of Sanitary and Phytosanitary Measures.

(J) Eliminating practices that adversely affect trade in perishable or seasonal products, while improving import relief mechanisms to recognize the unique characteristics of perishable and seasonal agriculture. Before proceeding with negotiations with respect to agriculture, the Trade Representative, in consultation with the Congress, shall seek to develop a position on the treatment of perishable and seasonal food products to be employed in the negotiations in order to develop a consensus on the treatment of such products in dumping or safeguard actions and in any other relevant area.

(K) Taking into account whether a party to the negotiations has failed to adhere to the provisions of already existing trade agreements with the United States or has circumvented obligations under those agreements.

(L) Taking into account whether a product is subject to market distortions by reason of a failure of a major producing country to adhere to the provisions of already existing trade agreements with the United States or by the circumvention by that country of its obligations under those agreements.

(M) Taking into account the impact that agreements covering agriculture to which the United States is a party, including NAFTA, have on the United States agricultural industry.

(2) TRADE IN SERVICES.—The principal negotiating objective of the United States with respect to trade in services is to achieve, to the maximum extent possible, the elimination of barriers to, or other distortions of, trade in services in all modes of supply and across the broadest range of service sectors by doing the following:

(A) Pursuing agreement to treat negotiation of trade in services in a negative list manner whereby commitments will cover all services and all modes of supply unless particular services or modes of supply are expressly excluded.

(B) Achieving maximum liberalization of market access in all modes of supply, including by removing restrictions on the legal form of an investment or on the right to own all or a majority share of a service supplier, subject to national security exceptions.

(C) Removing regulatory and other barriers that deny national treatment, or unreasonably restrict the establishment or operations of service suppliers in foreign markets.

(D) Eliminating additional barriers to trade in services, including restrictions on access to services distribution networks and information systems, unreasonable or discriminatory licensing requirements, administration of cartels or toleration of anticompetitive activity, unreasonable delegation of regulatory powers to private entities, and similar government acts, measures, or policies affecting the sale, offering for sale, purchase, distribution, or use of services that have the effect of restricting access of services and service suppliers to a foreign market.

(E) Grandfathering existing concessions and liberalization commitments.

(F) Pursuing the strongest possible obligations to ensure that regulation of services and service suppliers in all respects, including by rulemaking, license-granting, standards-setting, and through judicial, administrative, and arbitral proceedings, is conducted in a transparent, reasonable, objective, and impartial manner and is otherwise consistent with principles of due process.

(G) Strongly opposing cultural exceptions to services obligations, especially relating to audiovisual services and service providers.

(H) Preventing discrimination against a like service when delivered through electronic means.

(I) Pursuing full market access and national treatment commitments for services sectors essential to supporting electronic commerce.

(J) Broadening and deepening existing commitments by other countries relating to basic and value-added telecommunications, including by—

(i) strengthening obligations and the implementation of obligations to ensure competitive, nondiscriminatory access to public telecommunication networks and services for Internet service providers and other value-added service providers; and

(ii) preventing anticompetitive behavior by major suppliers, including service suppliers that are either government owned or controlled or recently government owned or controlled.

(K) Broadening and deepening existing commitments of other countries relating to financial services.

(3) TRADE IN MANUFACTURED AND NON-AGRICULTURAL GOODS.—The principal negotiating objectives of the United States with respect to trade in manufactured and non-agricultural goods are the following:

(A) To eliminate disparities between applied and bound tariffs by reducing bound tariff levels.

(B) To negotiate an agreement that includes reciprocal commitments to eliminate duties in sectors in which tariffs are currently approaching zero.

(C) To eliminate tariff and nontariff disparities remaining from previous rounds of multilateral trade negotiations that have put United States exports at a competitive disadvantage in world markets, especially tariff and nontariff barriers in foreign countries in those sectors where the United States imposes no significant barriers to imports and where foreign tariff and nontariff barriers are substantial.

(D) To obtain the reduction or elimination of tariffs on value-added products that provide a disproportionate level of protection compared to that provided to raw materials.

(E) To eliminate additional nontariff barriers to trade, including—

(i) anticompetitive restrictions on access to product distribution networks and information systems;

(ii) unreasonable or discriminatory inspection processes;

(iii) the administration of cartels, or the promotion, enabling, or toleration of anticompetitive activity;

(iv) unreasonable delegation of regulatory powers to private entities;

(v) unreasonable or discriminatory licensing requirements; and

(vi) similar government acts, measures, or policies affecting the sale, offering for sale, purchase, transportation, distribution, or use of goods that have the effect of restricting access of goods to a foreign market.

(4) DISPUTE SETTLEMENT.—The principal negotiating objectives of the United States with respect to dispute settlement are the following:

(A) To provide for a single effective and expeditious dispute settlement mechanism and set of procedures that applies to all FTAA agreements.

(B) To ensure that dispute settlement mechanisms enable effective enforcement of the rights of the United States, including by providing, in all contexts, for the use of all remedies that are demonstrably effective to promote prompt and full compliance with the decision of a dispute settlement panel.

(C) To provide rules that promote cooperation by the governments of FTAA members in producing evidence in connection with dispute settlement proceedings, including copies of laws, regulations, and other measures that are the subject of or are directly relevant to the dispute, other than evidence that is classified on the basis of national security, and evidence that is business confidential.

(D) To require that all submissions by governments to FTAA dispute panels and any appellate body be made available to the public upon submission, providing appropriate exceptions for only that information included in a submission that is classified on the basis of national security or that is business confidential.

(E) To require that meetings of FTAA dispute panels and any appellate body with the parties to a dispute are open to other FTAA members and the public and provide for in camera treatment of only those portions of a proceeding dealing with evidence that is classified on the basis of national security or that is business confidential.

(F) To require that transcripts of proceedings of FTAA dispute panels and any appellate body be made available to the public promptly, providing appropriate exceptions for only that information included in the transcripts that is classified on the basis of national security or that is business confidential.

(G) To establish rules allowing for the submission of amicus curiae briefs to FTAA dispute panels and any appellate body, and to require that such briefs be made available to the public, providing appropriate exceptions for only that information included in the briefs that is classified on the basis of national security or that is business confidential.

(H) To pursue rules protecting against conflicts of interest by members of FTAA dispute panels and any appellate body, and promoting the selection of members for such panels and appellate body with the skills and time necessary to decide increasingly complex cases.

(I) To pursue the establishment of formal procedures under which the FTAA dispute panels and any appellate body seek advice from other fora of competent jurisdiction, such as the International Court of Justice, ILO, representative bodies established under international environmental agreements, and scientific experts.

(5) TRADE-RELATED ASPECTS OF INTELLECTUAL PROPERTY RIGHTS.—The principal negotiating objectives of the United States with respect to trade-related aspects of intellectual property rights are the following:

(A) To ensure that the provisions of a regional trade agreement governing intellectual property rights that is entered into by the United States reflects a standard of protection similar to that found in United States law.

(B) To provide strong protection for new and emerging technologies and new methods of transmitting and distributing products embodying intellectual property.

(C) To prevent or eliminate discrimination with respect to matters affecting the availability, acquisition, scope, maintenance, use, and enforcement of intellectual property rights.

(D) To ensure that standards of protection and enforcement keep pace with technological developments, including ensuring that rightholders have the legal and technological means to control the use of their works through the Internet and other global communication media, and to prevent the unauthorized use of their works.

(E) To provide strong enforcement of intellectual property rights, including through accessible, expeditious, and effective civil, administrative, and criminal enforcement mechanisms.

(F) To secure fair, equitable and nondiscriminatory market access opportunities for United States persons that rely upon intellectual property protection.

(G) To prevent misuse of reference pricing classification systems by developed countries as a way to discriminate against innovative pharmaceutical products and innovative medical devices, without challenging valid reference pricing systems not used as a disguised restriction on trade.

(H)(i) To ensure that FTAA members are able to adopt measures necessary to protect the public health and to respond to situations of national emergency or extreme urgency, including taking actions that have the effect of increasing access to essential medicines and medical technologies, where such actions are consistent with obligations set forth in Article 31 of the TRIPs Agreement.

(ii) In situations involving infectious diseases, to encourage FTAA members that take actions described under clause (i) to also implement policies—

(I) to address the underlying causes necessitating the actions, including, in the case of infectious diseases, encouraging practices that will prevent further transmission and infection;

(II) to take steps to stimulate the development of the infrastructure necessary to deliver adequate health care services, including the essential medicines and medical technologies at issue;

(III) to ensure the safety and efficacy of the essential medicines and medical technologies involved; and

(IV) to make reasonable efforts to address the problems of supply of the essential medicines and medical technologies involved (other than by compulsory licensing).

(iii) To encourage FTAA members and the private sectors in their countries to work with the United Nations, the World Health Organization, the Inter-American Development Bank, the Organization of American States, and other relevant international organizations, including humanitarian relief organizations, to assist least-developed and developing countries in the region in increasing access to essential medicines and medical technologies through donations, sales at cost, funding or global medicines trust funds, and developing and implementing prevention efforts and health care infrastructure projects.

(6) TRANSPARENCY.—The principal negotiating objectives of the United States with respect to transparency are the following:

(A) To pursue the negotiation of an agreement—

(i) requiring that government laws, rules, and administrative and judicial decisions be published and made available to the public so that governments, businesses and the public have adequate notice of them;

(ii) requiring adequate notice before new rules are promulgated or existing rules amended;

(iii) encouraging governments to open rulemaking to public comment;

(iv) establishing that any administrative proceeding by any FTAA member relating to any of the FTAA agreements and applied to the persons, goods, or services of any other FTAA member shall be conducted in a manner that—

(I) gives persons of any other FTAA member affected by the proceeding reasonable notice, in accordance with domestic procedures, of when the proceeding is initiated, including a description of the nature of the proceeding, a statement of the legal authority under which the proceeding is initiated, and a general description of any issues in controversy;

(II) gives such persons a reasonable opportunity to present facts and arguments in support of their positions prior to any final administrative action, when time, the nature of the proceeding, and the public interest permit; and

(III) is in accordance with domestic law; and

(v) requiring each FTAA member—

(I) to establish or maintain judicial, quasi-judicial, or administrative tribunals (impartial and independent of the office or authority entrusted with administrative enforcement) or procedures for the purpose of the prompt review and, where warranted, correction of final administrative actions regarding matters covered by any of the FTAA agreements;

(II) to ensure that, in such tribunals or procedures, parties to the proceeding are afforded a reasonable opportunity to support or defend their respective positions; and

(III) to ensure that such tribunals or procedures issue decisions based on the evidence and submissions of record or, where required by domestic law, the record compiled by the office or authority entrusted with administrative enforcement.

(B) To require the institution of regular meetings between officials of an FTAA secretariat, if established, and representatives of nongovernmental organizations, businesses and business groups, labor unions, consumer groups, and other representatives of civil society.

(C) To continue to maintain, expand, and update an official FTAA website in order to disseminate a wide range of information on the FTAA, including the draft texts of the agreements negotiated pursuant to the FTAA, the final text of such agreements, tariff information, regional trade statistics, and links to websites of FTAA member countries that provide further information on government regulations, procedures, and related matters.

(7) GOVERNMENT PROCUREMENT.—The principal negotiating objectives for the United

States with respect to government procurement are the following:

(A) To seek the acceptance by all FTAA members of the Agreement on Government Procurement.

(B) To seek conclusion of an agreement on transparency in government procurement.

(C) To promote global use of electronic publication of procurement information, including notices of procurement opportunities.

(8) TRADE REMEDY LAWS.—The principal negotiating objectives for the United States with respect to trade remedy laws are the following:

(A) To preserve the ability of the United States to enforce vigorously its trade laws, including the antidumping, countervailing duty, and safeguard laws, and not enter into agreements that lessen in any respect the effectiveness of domestic and international disciplines—

(i) on unfair trade, especially dumping and subsidies, or

(ii) that address import increases or surges, such as under the safeguard remedy, in order to ensure that United States workers, farmers and agricultural producers, and firms can compete fully on fair terms and enjoy the benefits of reciprocal trade concessions.

(B) To eliminate the underlying causes of unfair trade practices and import surges, including closed markets, subsidization, promoting, enabling, or tolerating anticompetitive practices, and other forms of government intervention that generate or sustain excess, uneconomic capacity.

(9) TRADE AND LABOR MARKET STANDARDS.—The principal negotiating objectives of the United States with respect to trade and labor market standards are the following:

(A) To include enforceable rules that provide for the adoption and enforcement of the following core labor standards: the right of association, the right to bargain collectively, and prohibitions on employment discrimination, child labor, and slave labor.

(B) To establish as the trigger for invoking the dispute settlement process with respect to the obligations under subparagraph (A)—

(i) an FTAA member's failure to effectively enforce its domestic labor standards through a sustained or recurring course of action or inaction, in a manner affecting trade or investment; or

(ii) an FTAA member's waiver or other derogation from its domestic labor standards for the purpose of attracting investment, inhibiting exports by other FTAA members, or otherwise gaining a competitive advantage,

recognizing that—

(I) FTAA members retain the right to exercise discretion with respect to investigatory, prosecutorial, regulatory, and compliance matters and to make decisions regarding the allocation of resources to enforcement with respect to other labor matters determined to have higher priorities; and

(II) FTAA members retain the right to establish their own domestic labor standards, and to adopt or modify accordingly labor policies, laws, and regulations, in a manner consistent with the core labor standards identified in subparagraph (A).

(C) To provide for phased-in compliance for least-developed countries comparable to mechanisms utilized in other FTAA agreements.

(D) To create an FTAA work program that—

(i) will provide guidance and technical assistance to FTAA members in supplementing and strengthening their labor laws and regulations, including, in particular, laws and regulations relating to the core labor standards identified in subparagraph (A); and

(ii) includes commitments by FTAA members to provide market access incentives for the least-developed FTAA members to improve adherence to and enforcement of the core labor standards identified in subparagraph (A), and to meet their schedule for phased-in compliance on or ahead of schedule.

(E) To provide for regular review of adherence to core labor standards.

(F) To create exceptions from the obligations under the FTAA agreements for—

(i) products produced by prison labor or slave labor, and products produced by child labor proscribed by Convention 182 of the ILO; and

(ii) actions taken consistent with, and in furtherance of, recommendations made by the ILO.

(10) TRADE AND THE ENVIRONMENT.—The principal negotiating objectives of the United States with respect to trade and the environment are the following:

(A) To obtain rules that provide for the enforcement of environmental laws and regulations relating to—

(i) the prevention, abatement, or control of the release, discharge, or emission of pollutants or environmental contaminants;

(ii) the control of environmentally hazardous or toxic chemicals, substances, materials and wastes, and the dissemination of information related thereto; and

(iii) the protection of wild flora or fauna, including endangered species, their habitats, and specially protected natural areas, in the territory of FTAA member countries.

(B) To establish as the trigger for invoking the dispute settlement process—

(i) an FTAA member's failure to effectively enforce such laws and regulations through a sustained or recurring course of action or inaction, in a manner affecting trade or investment, or

(ii) an FTAA member's waiver or other derogation from its domestic environmental laws and regulations, for the purpose of attracting investment, inhibiting exports by other FTAA members, or otherwise gaining a competitive advantage,

recognizing that—

(I) FTAA members retain the right to exercise discretion with respect to investigatory, prosecutorial, regulatory, and compliance matters and to make decisions regarding the allocation of resources to enforcement with respect to other environmental matters determined to have higher priorities; and

(II) FTAA members retain the right to establish their own levels of domestic environmental protection and environmental development policies and priorities, and to adopt or modify accordingly environmental policies, laws, and regulations.

(C) To provide for phased-in compliance for least-developed countries, comparable to mechanisms utilized in other FTAA agreements.

(D) To create an FTAA work program that—

(i) will provide guidance and technical assistance to FTAA members in supplementing and strengthening their environmental laws and regulations based on—

(I) the standards in existing international agreements that provide adequate protection; or

(II) the standards in the laws of other FTAA members if the standards in international agreements standards are inadequate or do not exist; and

(ii) includes commitments by FTAA members to provide market access incentives for the least-developed FTAA members to strengthen environmental laws and regulations.

(E) To provide for regular review of adherence to environmental laws and regulations.

(F) To create exceptions from obligations under the FTAA agreements for—

(i) measures taken to provide effective protection of human, animal, or plant life or health;

(ii) measures taken to conserve exhaustible natural resources if such measures are made effective in conjunction with restrictions on domestic production or consumption; and

(iii) measures taken that are in accordance with obligations under any multilateral environmental agreement accepted by both parties to a dispute.

(G) To give priority to trade liberalization measures that promote sustainable development, including eliminating duties on environmental goods, and obtaining commitments on environmental services.

(11) INSTITUTION BUILDING.—The principal negotiating objectives of the United States with respect to institution building are the following:

(A) To improve coordination between the FTAA and other international organizations such as the Organization of American States, the ILO, the United Nations Environment Program, and the Inter-American Development Bank to increase the effectiveness of technical assistance programs.

(B) To ensure that the agreements entered into under the FTAA provide for technical assistance to developing and, in particular, least-developed countries that are members of the FTAA to promote the rule of law, enable them to comply with their obligations under the FTAA agreements, and minimize disruptions associated with trade liberalization.

(12) TRADE AND INVESTMENT.—The principal negotiating objectives of the United States with respect to trade and investment are the following:

(A) To reduce or eliminate artificial or trade-distorting barriers to foreign investment by United States persons and, recognizing that United States law on the whole provides a high level of protection for investments, consistent with or greater than the level required by international law, to secure for investors the rights that would be available under United States law, but no greater rights, by—

(i) ensuring national and most-favored nation treatment for United States investors and investments;

(ii) freeing the transfer of funds relating to investments;

(iii) reducing or eliminating performance requirements, forced technology transfers, and other unreasonable barriers to the establishment and operation of investments;

(iv) establishing standards for expropriation and compensation for expropriation, consistent with United States legal principles and practice, including by clarifying that expropriation does not arise in cases of mere diminution in value;

(v) codifying the clarifications made on July 31, 2001, by the Free Trade Commission established under Article 2001 of the NAFTA with respect to the minimum standard of treatment under Article 1105 of the NAFTA such that—

(I) any provisions included in an investment agreement setting forth a minimum standard of treatment prescribe only that level of treatment required by customary international law; and

(II) a determination that there has been a breach of another provision of the FTAA, or of a separate international agreement, does not establish that there has been a breach of the minimum standard of treatment;

(vi) ensuring, through clarifications, presumptions, exceptions, or other means in the text of the agreement, that the investor protections do not interfere with an FTAA

member's exercise of its police powers under its local, State, and national laws (for example legitimate health, safety, environmental, consumer, and employment opportunity laws and regulations), including by a clarification that the standards in an agreement do not require use of the least trade restrictive regulatory alternative;

(vii) providing an exception for actions taken in accordance with obligations under a multilateral environmental agreement agreed to by both countries involved in the dispute;

(viii) providing meaningful procedures for resolving investment disputes;

(ix) ensuring that—

(I) no claim by an investor directly against a state may be brought unless the investor first submits the claim for approval to the home government of the investor;

(II) such approval is granted for each claim which the investor demonstrates is meritorious;

(III) such approval is considered granted if the investor's home government has not acted upon the submission within a defined reasonable period of time; and

(IV) each FTAA member establishes or designates an independent decisionmaker to determine whether the standard for approval has been satisfied; and

(x) providing a standing appellate mechanism to correct erroneous interpretations of law.

(B) To ensure the fullest measure of transparency in the dispute settlement mechanism established, by—

(i) ensuring that all requests for dispute settlement are promptly made public, to the extent consistent with the need to protect information that is classified or business confidential;

(ii) ensuring that—

(I) all proceedings, submissions, findings, and decisions, are promptly made public; and

(II) all hearings are open to the public, to the extent consistent with need to protect information that is classified or business confidential; and

(iii) establishing a mechanism for acceptance of amicus curiae submissions from businesses, unions, and nongovernmental organizations.

(13) ELECTRONIC COMMERCE.—The principal negotiating objectives of the United States with respect to electronic commerce are the following:

(A) To make permanent and binding on FTAA members the moratorium on customs duties on electronic transmissions declared in the WTO Ministerial Declaration of May 20, 1998.

(B) To ensure that governments refrain from implementing trade-related measures that impede electronic commerce.

(C) To ensure that electronically delivered goods and services receive no less favorable treatment under trade rules and commitments than like products delivered in physical form.

(D) To ensure that the classification of electronically delivered goods and services ensures the most liberal trade treatment possible.

(E) Where legitimate policy objectives require domestic regulations that affect electronic commerce, to obtain commitments that any such regulations are nondiscriminatory, transparent, and promote an open market environment.

(F) To pursue a regulatory environment that encourages competition in basic telecommunications services abroad, so as to facilitate the conduct of electronic commerce.

(14) DEVELOPING COUNTRIES.—The principal negotiating objectives of the United States with respect to developing countries are the following:

(A) To enter into trade agreements that promote the economic growth of both developing countries and the United States and the mutual expansion of market opportunities.

(B) To ensure appropriate phase-in periods with respect to the obligations of least-developed countries.

(C) To coordinate with the Organization of American States, the Inter-American Development Bank, and other regional and international institutions to provide debt relief and other assistance to promote the rule of law and sound and sustainable development.

(D) To accelerate tariff reductions that benefit least-developed countries.

(15) TRADE AND MONETARY COORDINATION.—The principal negotiating objective of the United States with respect to trade and monetary coordination is to foster stability in international currency markets and develop mechanisms to assure greater coordination, consistency, and cooperation between international trade and monetary systems and institutions in order to protect against the trade consequences of significant and unanticipated currency movements.

(16) ACCESS TO HIGH TECHNOLOGY.—The principal negotiating objectives of the United States with respect to access to high technology are the following:

(A) To obtain the elimination or reduction of foreign barriers to, and of acts, policies, or practices by foreign governments that limit, equitable access by United States persons to foreign-developed technology.

(B) To seek the elimination of tariffs on all information technology products, infrastructure equipment, scientific instruments, and medical equipment.

(C) To pursue the reduction of foreign barriers to high technology products of the United States.

(D) To enforce and promote the Agreement on Technical Barriers to Trade, and ensure that standards, conformity assessment, and technical regulations are not used as obstacles to trade in information technology and communications products.

(E) To require all parties to sign the Information Technology Agreement of the WTO and to expand and update product coverage under such agreement.

(17) CORRUPTION.—The principal negotiating objectives of the United States with respect to the use of money or other things of value to influence acts, decisions, or omissions of foreign governments or officials or to secure any improper advantage are—

(A) to obtain standards applicable to persons from all FTAA member countries that are equivalent to, or more restrictive than, the prohibitions applicable to issuers, domestic concerns, and other persons under section 30A of the Securities and Exchange Act of 1934 and sections 104 and 104A of the Foreign Corrupt Practices Act of 1977; and

(B) to implement mechanisms to ensure effective enforcement of the standards described in subparagraph (A).

(d) BILATERAL AGREEMENTS.—

(1) PRINCIPAL NEGOTIATING OBJECTIVES.—The principal negotiating objectives of the United States in seeking bilateral trade agreements are those objectives set forth in subsection (c), except that in applying such subsection, any references to the FTAA or FTAA member countries shall be deemed to refer to the bilateral agreement, or party to the bilateral agreement, respectively.

(2) ADHERENCE TO OBLIGATIONS UNDER URUGUAY ROUND AGREEMENTS.—In determining whether to enter into negotiations with a particular country, the President shall take into account the extent to which that country has implemented, or has accelerated the implementation of, its obligations under the Uruguay Round Agreements.

(e) DOMESTIC OBJECTIVES.—In pursuing the negotiating objectives under subsections (a) through (d), United States negotiators shall take into account legitimate United States domestic (including State and local) objectives, including, but not limited to, the protection of health and safety, essential security, environmental, consumer, and employment opportunity interests and the laws and regulations related thereto.

SEC. 3. CONGRESSIONAL TRADE ADVISERS.

Section 161(a)(1) of the Trade Act of 1974 (19 U.S.C. 2211(a)(1)) is amended to read as follows:

''(1) At the beginning of each regular session of Congress—

''(A) the Speaker of the House of Representatives shall—

''(i) upon the recommendation of the chairman and ranking member of the Committee on Ways and Means, select 5 members (not more than 3 of whom are members of the same political party) of such committee,

''(ii) upon the recommendation of the chairman and ranking member of the Committee on Agriculture, select 2 members (from different political parties) of such committee, and

''(iii) upon the recommendation of the majority leader and minority leader of the House of Representatives, select 2 members of the House of Representatives (from different political parties), and

''(B) the President pro tempore of the Senate shall—

''(i) upon the recommendation of the chairman and ranking member of the Committee on Finance, select 5 members (not more than 3 of whom are members of the same political party) of such committee,

''(ii) upon the recommendation of the chairman and ranking member of the Committee on Agriculture, Nutrition, and Forestry, select 2 members (from different political parties) of such committee, and

''(iii) upon the recommendation of the majority leader and minority leader of the Senate, select 2 members of the Senate (from different political parties),

who shall be designated congressional advisers on trade policy and negotiations. They shall provide advice on the development of trade policy and priorities for the implementation thereof. They shall also be accredited by the United States Trade Representative on behalf of the President as official advisers to the United States delegations to international conferences, meetings, dispute settlement proceedings, and negotiating sessions relating to trade agreements.''.

SEC. 4. TRADE AGREEMENTS AUTHORITY.

(a) AGREEMENTS REGARDING TARIFF BARRIERS.—

(1) IN GENERAL.—Whenever the President determines that one or more existing duties or other import restrictions of any foreign country or the United States are unduly burdening and restricting the foreign trade of the United States and that the purposes, policies, and objectives of this Act will be promoted thereby, the President—

(A) may enter into trade agreements with foreign countries before—

(i) the date that is 5 years after the date of the enactment of this Act, or

(ii) the date that is 7 years after such date of enactment, if fast track procedures are extended under subsection (c), and

(B) may, subject to paragraphs (2) and (3), proclaim—

(i) such modification or continuance of any existing duty,

(ii) such continuance of existing duty-free or excise treatment, or

(iii) such additional duties,

as the President determines to be required or appropriate to carry out any such trade agreement.

The President shall notify the Congress of the President's intention to enter into an agreement under this subsection.

(2) LIMITATIONS.—No proclamation may be made under paragraph (1) that—

(A) reduces any rate of duty (other than a rate of duty that does not exceed 5 percent ad valorem on the date of the enactment of this Act) to a rate of duty which is less than 50 percent of the rate of such duty that applies on such date of enactment; or

(B) increases any rate of duty above the rate that applied on such date of enactment.

(3) AGGREGATE REDUCTION; EXEMPTION FROM STAGING.—

(A) AGGREGATE REDUCTION.—Except as provided in subparagraph (B), the aggregate reduction in the rate of duty on any article which is in effect on any day pursuant to a trade agreement entered into under paragraph (1) shall not exceed the aggregate reduction which would have been in effect on such day if—

(i) a reduction of 3 percent ad valorem or a reduction of one-tenth of the total reduction, whichever is greater, had taken effect on the effective date of the first reduction proclaimed under paragraph (1) to carry out such agreement with respect to such article; and

(ii) a reduction equal to the amount applicable under clause (i) had taken effect at 1-year intervals after the effective date of such first reduction.

(B) EXEMPTION FROM STAGING.—No staging is required under subparagraph (A) with respect to a duty reduction that is proclaimed under paragraph (1) for an article of a kind that is not produced in the United States. The United States International Trade Commission shall advise the President of the identity of articles that may be exempted from staging under this subparagraph.

(4) ROUNDING.—If the President determines that such action will simplify the computation of reductions under paragraph (3), the President may round an annual reduction by an amount equal to the lesser of—

(A) the difference between the reduction without regard to this paragraph and the next lower whole number; or

(B) one-half of 1 percent ad valorem.

(5) OTHER LIMITATIONS.—A rate of duty reduction that may not be proclaimed by reason of paragraph (2) may take effect only if a provision authorizing such reduction is included within an implementing bill provided for under section 7 and that bill is enacted into law.

(6) OTHER TARIFF MODIFICATIONS.—Notwithstanding paragraphs (1)(B) and (2) through (5), and subject to the consultation and layover requirements of section 115 of the Uruguay Round Agreements Act, the President may proclaim the modification of any duty or staged rate reduction of any duty set forth in Schedule XX, as defined in section 2(5) of that Act, if the United States agrees to such modification or staged rate reduction in a negotiation for the reciprocal elimination or harmonization of duties under the auspices of the World Trade Organization or as part of an interim agreement leading to the formation of a regional free-trade area.

(7) AUTHORITY UNDER URUGUAY ROUND AGREEMENTS ACT NOT AFFECTED.—Nothing in this subsection shall limit the authority provided to the President under section 111(b) of the Uruguay Round Agreements Act (19 U.S.C. 3521(b)).

(b) AGREEMENTS REGARDING TARIFF AND NONTARIFF BARRIERS.—

(1) IN GENERAL.—(A) Whenever the President determines that—

(i) one or more existing duties or any other import restriction of any foreign country or the United States or any other barrier to, or other distortion of, international trade unduly burdens or restricts the foreign trade of the United States or adversely affects the United States economy, or

(ii) the imposition of any such barrier or distortion is likely to result in such a burden, restriction, or effect,

and that the purposes, policies, and objectives of this Act will be promoted thereby, the President may enter into a trade agreement described in subparagraph (B) during the period described in subparagraph (C).

(B) The President may enter into a trade agreement under subparagraph (A) with foreign countries providing for—

(i) the reduction or elimination of a duty, restriction, barrier, or other distortion described in subparagraph (A), or

(ii) the prohibition of, or limitation on the imposition of, such barrier or other distortion.

(C) The President may enter into a trade agreement under this paragraph before—

(i) the date that is 5 years after the date of the enactment of this Act, or

(ii) the date that is 7 years after such date of enactment, if fast track procedures are extended under subsection (c).

(2) CONDITIONS.—A trade agreement may be entered into under this subsection only if such agreement substantially achieves the applicable objectives described in section 2 and the conditions set forth in sections 5, 6, and 7 are met.

(3) BILLS QUALIFYING FOR FAST TRACK PROCEDURES.—(A) The provisions of section 151 of the Trade Act of 1974 (in this Act referred to as ''fast track procedures'') apply to a bill of either House of Congress which contains provisions described in subparagraph (B) to the same extent as such section 151 applies to implementing bills under that section. A bill to which this paragraph applies shall hereafter in this Act be referred to as an ''implementing bill''.

(B) The provisions referred to in subparagraph (A) are—

(i) a provision approving a trade agreement entered into under this subsection and approving the statement of administrative action, if any, proposed to implement such trade agreement;

(ii) if changes in existing laws or new statutory authority are required to implement such trade agreement, provisions, necessary or appropriate to implement such trade agreement or agreements, either repealing or amending existing laws or providing new statutory authority; and

(iii) provisions to provide trade adjustment assistance to workers, firms, and communities.

(c) EXTENSION DISAPPROVAL PROCESS FOR CONGRESSIONAL FAST TRACK PROCEDURES.—

(1) IN GENERAL.—Except as provided in section 5(c), 6(c), and 7(b)—

(A) the fast track procedures apply to implementing bills submitted with respect to trade agreements entered into under subsection (b) before the date that is 5 years after the date of the enactment of this Act; and

(B) the fast track procedures shall be extended to implementing bills submitted with respect to trade agreements entered into under subsection (b) on or after the date specified in subparagraph (A) and before the date that is 7 years after the date of such enactment if (and only if)—

(i) the President requests such extension under paragraph (2); and

(ii) neither House of the Congress adopts an extension disapproval resolution under paragraph (6) before the date specified in subparagraph (A).

(2) REPORT TO CONGRESS BY THE PRESIDENT.—If the President is of the opinion that the fast track procedures should be extended to implementing bills to carry out trade agreements under subsection (b), the President shall submit to the Congress, not later than 3 months before the expiration of the 5-year period specified in paragraph (1)(A), a written report that contains a request for such extension, together with—

(A) a description of all trade agreements that have been negotiated under subsection (b) and the anticipated schedule for submitting such agreements to the Congress for approval;

(B) a description of the progress that has been made in negotiations to achieve the purposes, policies, and objectives of this Act, and a statement that such progress justifies the continuation of negotiations; and

(C) a statement of the reasons why the extension is needed to complete the negotiations.

(3) REPORT TO CONGRESS BY THE ADVISORY COMMITTEE.—The President shall promptly inform the Advisory Committee for Trade Policy and Negotiations established under section 135 of the Trade Act of 1974 (19 U.S.C. 2155) of the President's decision to submit a report to the Congress under paragraph (2). The Advisory Committee shall submit to the Congress as soon as practicable, but not later than 2 months before the expiration of the 5-year period specified in paragraph (1)(A), a written report that contains—

(A) its views regarding the progress that has been made in negotiations to achieve the purposes, policies, and objectives of this Act; and

(B) a statement of its views, and the reasons therefor, regarding whether the extension requested under paragraph (2) should be approved or disapproved.

(4) REPORT TO CONGRESS BY CONGRESSIONAL TRADE ADVISERS.—The President shall promptly inform the congressional trade advisers of the President's decision to submit a report to the Congress under paragraph (2). The congressional trade advisers shall submit to the Congress as soon as practicable, but not later than 2 months before the expiration of the 5-year period specified in paragraph (1)(A), a written report that contains—

(A) its views regarding the progress that has been made in negotiations to achieve the purposes, policies, and objectives of this Act; and

(B) a statement of their views, and the reasons therefor, regarding whether the extension requested under paragraph (2) should be approved or disapproved.

(5) REPORTS MAY BE CLASSIFIED.—The reports under paragraphs (2) and (3), or any portion of such reports, may be classified to the extent the President determines appropriate, and the report under paragraph (4), or any portion thereof, may be classified.

(6) EXTENSION DISAPPROVAL RESOLUTIONS.—(A) For purposes of paragraph (1), the term ''extension disapproval resolution'' means a resolution of either House of the Congress, the sole matter after the resolving clause of which is as follows: ''That the ____ disapproves the request of the President for the extension, under section 4(c)(1)(B)(i) of the Comprehensive Trade Negotiating Authority Act of 2001, of the fast track procedures under that Act to any implementing bill submitted with respect to any trade agreement entered into under section 4(b) of that Act after the date that is 5 years after the date of the enactment of that Act.'', with the blank space being filled with the name of the resolving House of the Congress.

(B) Extension disapproval resolutions—

(i) may be introduced in either House of the Congress by any member of such House; and

(ii) shall be referred, in the House of Representatives, to the Committee on Ways and Means and, in addition, to the Committee on Rules.

(C) The provisions of section 152 (d) and (e) of the Trade Act of 1974 (19 U.S.C. 2192 (d) and (e)) (relating to the floor consideration of certain resolutions in the House and Senate) apply to extension disapproval resolutions.

(D) It is not in order for—

(i) the Senate to consider any extension disapproval resolution not reported by the Committee on Finance;

(ii) the House of Representatives to consider any extension disapproval resolution not reported by the Committee on Ways and Means and, in addition, by the Committee on Rules; or

(iii) either House of the Congress to consider an extension disapproval resolution after the date that is 5 years after the date of the enactment of this Act.

SEC. 5. COMMENCEMENT OF NEGOTIATIONS.

(a) IN GENERAL.—In order to contribute to the continued economic expansion of the United States and to benefit United States workers, farmers, and businesses, the President shall commence negotiations covering tariff and nontariff barriers affecting any industry, product, or service sector, in cases where the President determines that such negotiations are feasible and timely and would benefit the United States. The President shall commence negotiations—

(1) to expand existing sectoral agreements to countries that are not parties to those agreements; and

(2) to promote growth, open global markets, and raise standards of living in the United States and other countries and promote sustainable development.

Such sectors include agriculture, commercial services, intellectual property rights, industrial and capital goods, government procurement, information technology products, environmental technology and services, medical equipment and services, civil aircraft, and infrastructure products.

(b) CONSULTATION REGARDING NEGOTIATING OBJECTIVES.—With respect to any negotiations for a trade agreement under section 4(b), the following shall apply:

(1) The President shall, in developing strategies for pursuing negotiating objectives set forth in section 2 and other relevant negotiating objectives to be pursued in negotiations, consult with—

(A) the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate;

(B) the congressional trade advisers; and

(C) other appropriate committees of Congress.

(2) The President shall assess whether United States tariffs on agricultural products that were bound under the Uruguay Round Agreements are lower than the tariffs bound by the country or countries with which the negotiations will be conducted. In addition, the President shall consider whether the tariff levels bound and applied throughout the world with respect to imports from the United States are higher than United States tariffs and whether the negotiation provides an opportunity to address any such disparity. The President shall consult with the Committee on Ways and Means and the Committee on Agriculture of the House of Representatives and the Committee on Finance and the Committee on Agriculture, Nutrition, and Forestry of the Senate concerning the results of the assessment, whether it is appropriate for the United States to agree to further tariff reductions based on the conclusions reached in the assessment, and how all applicable negotiating objectives will be met.

(c) NOTICE OF INITIATION; DISAPPROVAL RESOLUTIONS.—

(1) NOTICE.—The President shall—

(A) provide, at least 90 calendar days before initiating the proposed negotiations, written notice to the Congress of the President's intention to enter into the negotiations and set forth therein the date the President intends to initiate such negotiations, the specific negotiating objectives to be pursued in the negotiations, and whether the President intends to seek an agreement or changes to an existing agreement; and

(B) before and after submission of the notice, consult regarding the negotiations with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives, the congressional trade advisers, and such other committees of the House of Representatives and the Senate as the President deems appropriate.

(2) RESOLUTIONS DISAPPROVING INITIATION OF NEGOTIATIONS.—

(A) INAPPLICABILITY OF FAST TRACK PROCEDURES TO AGREEMENTS OF WHICH CERTAIN NOTICE GIVEN.—Fast track procedures shall not apply to any implementing bill submitted with respect to a trade agreement entered into under section 4(b) pursuant to negotiations with 2 or more countries of which notice is given under paragraph (1)(A) if, during the 90-day period referred to in that subsection, each House of Congress agrees to a disapproval resolution described in subparagraph (B) with respect to the negotiations.

(B) DISAPPROVAL RESOLUTIONS.—For purposes of this paragraph, the term ''disapproval resolution'' means a resolution of either House of Congress, the sole matter after the resolving clause of which is as follows: ''That the ____ disapproves the negotiations of which the President notified the Congress on ____, under section 5(c)(1) of the Comprehensive Trade Negotiating Authority Act of 2001 and, therefore, the fast track procedures under that Act shall not apply to any implementing bill submitted with respect to any trade agreement entered into pursuant to those negotiations.'', with the first blank space being filled with the name of the resolving House of Congress, and the second blank space being filled with the appropriate date.

(3) PROCEDURES FOR CONSIDERING RESOLUTIONS.—(A) Disapproval resolutions to which paragraph (2) applies—

(i) in the House of Representatives—

(I) shall be referred to the Committee on Ways and Means and, in addition, to the Committee on Rules; and

(II) may not be amended by either Committee; and

(ii) in the Senate shall be referred to the Committee on Finance.

(B) The provisions of section 152 (c), (d), and (e) of the Trade Act of 1974 (19 U.S.C. 2192 (c), (d), and (e)) (relating to the consideration of certain resolutions in the House and Senate) apply to any disapproval resolution to which paragraph (2) applies. In applying section 152(c)(1) of the Trade Act of 1974, all calendar days shall be counted.

(C) It is not in order for—

(i) the Senate to consider any joint resolution unless it has been reported by the Committee on Finance or the committee has been discharged pursuant to subparagraph (B); or

(ii) the House of Representatives to consider any joint resolution unless it has been reported by the Committee on Ways and Means or the committee has been discharged pursuant to subparagraph (B).

SEC. 6. CONGRESSIONAL PARTICIPATION DURING NEGOTIATIONS.

(a) CONSULTATIONS WITH CONGRESSIONAL TRADE ADVISERS AND COMMITTEES OF JURISDICTION.—In the course of negotiations conducted under this Act, the Trade Representative shall—

(1) consult closely and on a timely basis with, and keep fully apprised of the negotiations, the congressional trade advisers, the Committee on Ways and Means of the House of Representatives, and the Committee on Finance of the Senate;

(2) with respect to any negotiations and agreement relating to agriculture, also consult closely and on a timely basis with, and keep fully apprised of the negotiations, the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate; and

(3) consult closely and on a timely basis with other appropriate committees of Congress.

(b) GUIDELINES FOR CONSULTATIONS.—

(1) GUIDELINES.—The Trade Representative, in consultation with the chairmen and ranking minority members of the Committee on Ways and Means of the House of Representatives, the Committee on Finance of the Senate, and the congressional trade advisers—

(A) shall, within 120 days after the date of the enactment of this Act, develop written guidelines to facilitate the useful and timely exchange of information between the Trade Representative, the committees referred to in subsection (a), and the congressional trade advisers; and

(B) may make such revisions to the guidelines as may be necessary from time to time.

(2) CONTENT.—The guidelines developed under paragraph (1) shall provide for, among other things—

(A) regular, detailed briefings of each committee referred to in subsection (a) and the congressional trade advisers regarding negotiating objectives and positions and the status of negotiations, with more frequent briefings as trade negotiations enter the final stages;

(B) access by members of each such committee, the congressional trade advisers, and staff with proper security clearances, to pertinent documents relating to negotiations, including classified materials; and

(C) the closest practicable coordination between the Trade Representative, each such committee, and the congressional trade advisers at all critical periods during negotiations, including at negotiation sites.

(c) DISAPPROVAL RESOLUTIONS WITH RESPECT TO ONGOING NEGOTIATIONS.—

(1) NEGOTIATIONS OF WHICH NOTICE GIVEN.—Fast track procedures shall not apply to any implementing bill submitted with respect to a trade agreement entered into under section 4(b) pursuant to negotiations of which notice is given under section 5(c)(1) if, at any time after the end of the 90-day period referred to in section 5(c)((1), during the 120-day period beginning on the date that one House of Congress agrees to a disapproval resolution described in paragraph (3)(A) disapproving the negotiations, the other House separately agrees to a disapproval resolution described in paragraph (3)(A) disapproving those negotiations. The disapproval resolutions of the two Houses need not be in agreement with respect to disapproving any other negotiations.

(2) PRIOR NEGOTIATIONS.—Fast track procedures shall not apply to any implementing bill submitted with respect to a trade agreement to which section 8(a) applies if, during the 120-day period beginning on the date that one House of Congress agrees to a disapproval resolution described in paragraph (3)(B) disapproving the negotiations for that agreement, the other House separately agrees to a disapproval resolution described in paragraph (3)(B) disapproving those negotiations. The disapproval resolutions of the

two Houses need not be in agreement with respect to disapproving any other negotiations.

(3) DISAPPROVAL RESOLUTIONS.—(A) For purposes of paragraph (1), the term ''disapproval resolution'' means a resolution of either House of Congress, the sole matter after the resolving clause of which is as follows: ''That the ____ disapproves the negotiations of which the President notified the Congress on ____, under section 5(c)(1) of the Comprehensive Trade Negotiating Authority Act of 2001 and, therefore, the fast track procedures under that Act shall not apply to any implementing bill submitted with respect to any trade agreement entered into pursuant to those negotiations.'', with the first blank space being filled with the name of the resolving House of Congress, and the second blank space being filled with the appropriate date or dates (in the case of more than 1 set of negotiations being conducted).

(B) For purposes of paragraph (2), the term ''disapproval resolution'' means a resolution of either House of Congress, the sole matter after the resolving clause of which is as follows: ''That the ____ disapproves the negotiations with respect to ____, and, therefore, the fast track procedures under the Comprehensive Trade Negotiating Authority Act of 2001 shall not apply to any implementing bill submitted with respect to any trade agreement entered into pursuant to those negotiations.'', with the first blank space being filled with the name of the resolving House of Congress, and the second blank space being filled with a description of the applicable trade agreement or agreements.

(4) PROCEDURES FOR CONSIDERING RESOLUTIONS.—(A) Any disapproval resolution to which paragraph (1) or (2) applies—

(i) in the House of Representatives—

(I) shall be referred to the Committee on Ways and Means and, in addition, to the Committee on Rules; and

(II) may not be amended by either Committee; and

(ii) in the Senate shall be referred to the Committee on Finance.

(B) The provisions of section 152 (c), (d), and (e) of the Trade Act of 1974 (19 U.S.C. 2192 (c), (d), and (e)) (relating to the consideration of certain resolutions in the House and Senate) apply to any disapproval resolution to which paragraph (1) or (2) applies if—

(i) there are at least 145 cosponsors of the resolution, in the case of a resolution of the House of Representatives, and at least 34 cosponsors of the resolution, in the case of a resolution of the Senate; and

(ii) no resolution that meets the requirements of clause (i) has previously been considered under such provisions of section 152 of the Trade Act of 1974 in that House of Congress during that Congress.

In applying section 152(c)(1) of the Trade Act of 1974, all calendar days shall be counted.

(C) It is not in order for—

(i) the Senate to consider any joint resolution unless it has been reported by the Committee on Finance or the committee has been discharged pursuant to subparagraph (B); or

(ii) the House of Representatives to consider any joint resolution unless it has been reported by the Committee on Ways and Means or the committee has been discharged pursuant to subparagraph (B).

(5) COMPUTATION OF CERTAIN TIME PERIODS.—Each period of time referred to in paragraphs (1) and (2) shall be computed without regard to—

(A) the days on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain or an adjournment of the Congress sine die; and

(B) any Saturday and Sunday, not excluded under subparagraph (A), when either House of Congress is not in session.

(d) ENVIRONMENTAL ASSESSMENT.—

(1) INITIATION OF ASSESSMENT.—Upon the commencement of negotiations for a trade agreement under section 4(b), the Trade Representative, jointly with the Chair of the Council on Environmental Quality, and in consultation with other appropriate Federal agencies, shall commence an assessment of the effects on the environment of the proposed trade agreement.

(2) CONTENT.—The assessment under paragraph (1) shall include an examination of—

(A) the potential effects of the proposed trade agreement on the environment, natural resources, and public health;

(B) the extent to which the proposed trade agreement may affect the laws, regulations, policies, and international agreements of the United States, including State and local laws, regulations, and policies, relating to the environment, natural resources, and public health;

(C) measures to implement, and alternative approaches to, the proposed trade agreement that would minimize adverse effects and maximize benefits identified under subparagraph (A); and

(D) a detailed summary of the manner in which the results of the assessment were taken into consideration in negotiation of the proposed trade agreement, and in development of measures and alternative means identified under subparagraph (C).

(3) PROCEDURES.—The Trade Representative shall commence the assessment under paragraph (1) by publishing notice thereof, and a request for comments thereon, in the Federal Register and transmitting notice thereof to the Congress. The notice shall be given as soon as possible after sufficient information exists concerning the scope of the proposed trade agreement, but in no case later than 30 calendar days before the applicable negotiations begin. The notice shall contain—

(A) the principal negotiating objectives of the United States to be pursued in the negotiations;

(B) the elements and topics expected to be under consideration for coverage by the proposed trade agreement;

(C) the countries expected to participate in the agreement; and

(D) the sectors of the United States economy likely to be affected by the agreement.

(4) CONSULTATIONS WITH CONGRESS.—The Trade Representative shall submit to the Congress—

(A) within 6 months after the onset of negotiations, a preliminary draft of the environmental assessment conducted under this subsection; and

(B) not later than 90 calendar days before the agreement is signed by the President, the final version of the environmental assessment.

(5) PARTICIPATION OF OTHER FEDERAL AGENCIES AND DEPARTMENTS.—(A) In conducting the assessment required under paragraph (1), the Trade Representative and the Chair of the Council on Environmental Quality shall draw upon the knowledge of the departments and agencies with relevant expertise in the subject matter under consideration, including, but not limited to, the Environmental Protection Agency, the Departments of the Interior, Agriculture, Commerce, Energy, State, the Treasury, and Justice, the Agency for International Development, the Council of Economic Advisors, and the International Trade Commission.

(B) The heads of the departments and agencies identified in subparagraph (A), and the heads of other departments and agencies with relevant expertise shall provide such resources as are necessary to conduct the assessment required under this subsection.

(6) CONSULTATIONS WITH THE ADVISORY COMMITTEE.—(A) Section 135(c)(1) of the Trade Act of 1974 (19 U.S.C. 2155(c)(1)) is amended in the first sentence—

(i) by striking ''may establish'' and inserting ''shall establish''; and

(ii) by inserting ''environmental issues,'' after ''defense''.

(B) In developing measures and alternatives means identified under paragraph (2)(C), the Trade Representative and the Chair of the Council on Environmental Quality shall consult with the environmental general policy advisory committee established pursuant to section 135(c)(1) of the Trade Act of 1974 (19 U.S.C. 2155(c)(1)), as amended by subparagraph (A) of this paragraph.

(7) PUBLIC PARTICIPATION.—The Trade Representative shall publish the preliminary and final environmental assessments in the Federal Register. The Trade Representative shall take into account comments received from the public pursuant to notices published under this subsection and shall include in the final assessment a discussion of the public comments reflected in the assessment.

(e) LABOR REVIEW.—

(1) INITIATION OF REVIEW.—Upon the commencement of negotiations for a trade agreement under section 4(b), the Trade Representative, jointly with the Secretary of Labor and the Commissioners of the International Trade Commission, and in consultation with other appropriate Federal agencies, shall commence a review of the effects on workers in the United States of the proposed trade agreement.

(2) CONTENT.—The review under paragraph (1) shall include an examination of—

(A) the extent to which the proposed trade agreement may affect job creation, worker displacement, wages, and the standard of living for workers in the United States;

(B) the scope and magnitude of the effect of the proposed trade agreement on the flow of workers to and from the United States;

(C) the extent to which the proposed agreement may affect the laws, regulations, policies, and international agreements of the United States relating to labor; and

(D) proposals to mitigate any negative effects of the proposed trade agreement on workers, firms, and communities in the United States, including proposals relating to trade adjustment assistance.

(3) PROCEDURES.—The Trade Representative shall commence the review under paragraph (1) by publishing notice thereof, and a request for comments thereon, in the Federal Register and transmitting notice thereof to the Congress. The notice shall be given not later than 30 calendar days before the applicable negotiations begin. The notice shall contain—

(A) the principal negotiating objectives of the United States to be pursued in the negotiations;

(B) the elements and topics expected to be under consideration for coverage by the proposed trade agreement;

(C) the countries expected to participate in the agreement; and

(D) the sectors of the United States economy likely to be affected by the agreement.

(4) CONSULTATIONS WITH CONGRESS.—The Trade Representative shall submit to the Congress—

(A) within 6 months after the onset of negotiations, a preliminary draft of the labor review conducted under this subsection; and

(B) not later than 90 calendar days before the agreement is signed by the President, the final version of the labor review.

(5) PARTICIPATION OF OTHER DEPARTMENTS AND AGENCIES.—(A) In conducting the review required under paragraph (1), the Trade Representative, the Secretary of Labor, and the International Trade Commission shall draw upon the knowledge of the departments and agencies with relevant expertise in the subject matter under consideration.

(B) The heads of the departments and agencies referred to in subparagraph (A) shall provide such resources as are necessary to conduct the review required under this subsection.

(6) CONSULTATION WITH THE ADVISORY COMMITTEE.—In developing proposals under paragraph (2)(D), the Trade Representative and the Secretary of Labor shall consult with the labor general policy advisory committee established pursuant to section 135(c)(1) of the Trade Act of 1974 (19 U.S.C. 2155(c)(1)), as amended by subsection (d)(6)(A) of this section.

(7) PUBLIC PARTICIPATION.—The Trade Representative shall publish the preliminary and final labor reviews in the Federal Register. The Trade Representative shall take into account comments received from the public pursuant to notices published under this subsection and shall include in the final review a discussion of the public comments reflected in the review.

(f) NOTICE OF EFFECT ON UNITED STATES TRADE REMEDIES.—

(1) NOTICE.—In any case in which negotiations being conducted to conclude a trade agreement under section 4(b) could affect the trade remedy laws of the United States or the rights or obligations of the United States under the Antidumping Agreement, the Agreement on Subsidies and Countervailing Measures, or the Agreement on Safeguards, except insofar as such negotiations are directly and exclusively related to perishable and seasonal agricultural products, the Trade Representative shall, at least 90 calendar days before the President signs the agreement, notify the Congress of the specific language that is the subject of the negotiations and the specific possible impact on existing United States laws and existing United States rights and obligations under those WTO Agreements.

(2) DEFINITION.—In this subsection, the term ''trade remedy laws of the United States'' means section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq.), chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.), title III of the Trade Act of 1974 (19 U.S.C. 2411 et seq.), section 406 of the Trade Act of 1974 (19 U.S.C. 2436), and chapter 2 of title IV of the Trade Act of 1974 (19 U.S.C. 2451 et seq.).

(g) REPORT ON INVESTMENT DISPUTE SETTLEMENT MECHANISM.—If any agreement concluded under section 4(b) with respect to trade and investment includes a dispute settlement mechanism allowing an investor to bring a claim directly against a country, the President shall submit a report to the Congress, not later than 90 calendar days before the President signs the agreement, explaining in detail the meaning of each standard included in the dispute settlement mechanism, and explaining how the agreement does not interfere with the exercise by a signatory to the agreement of its police powers under its national (including State and local) laws, including legitimate health, safety, environmental, consumer, and employment opportunity laws and regulations.

(h) CONSULTATION WITH CONGRESS BEFORE AGREEMENTS ENTERED INTO.—

(1) CONSULTATION.—Before entering into any trade agreement under section 4(b), the President shall consult with—

(A) the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate;

(B) the congressional trade advisers; and

(C) each other committee of the House and the Senate, and each joint committee of the Congress, which has jurisdiction over legislation involving subject matters which would be affected by the trade agreement.

(2) SCOPE.—The consultation described in paragraph (1) shall include consultation with respect to—

(A) the nature of the agreement;

(B) how and to what extent the agreement will achieve the applicable purposes, policies, and objectives of this Act; and

(C) the implementation of the agreement under section 7, including the general effect of the agreement on existing laws.

(i) ADVISORY COMMITTEE REPORTS.—The report required under section 135(e)(1) of the Trade Act of 1974 regarding any trade agreement entered into under section 4(a) or (b) of this Act shall be provided to the President, the Congress, and the Trade Representative not later than 30 calendar days after the date on which the President notifies the Congress under section 7(a)(1)(A) of the President's intention to enter into the agreement.

(j) ITC ASSESSMENT.—

(1) IN GENERAL.—The President, at least 90 calendar days before the day on which the President enters into a trade agreement under section 4(b), shall provide the International Trade Commission (referred to in this subsection as ''the Commission'') with the details of the agreement as it exists at that time and request the Commission to prepare and submit an assessment of the agreement as described in paragraph (2). Between the time the President makes the request under this paragraph and the time the Commission submits the assessment, the President shall keep the Commission current with respect to the details of the agreement.

(2) ITC ASSESSMENT.—Not later than 90 calendar days after the President enters into the agreement, the Commission shall submit to the President and the Congress a report assessing the likely impact of the agreement on the United States economy as a whole and on specific industry sectors, including the impact the agreement will have on the gross domestic product, exports and imports, aggregate employment and employment opportunities, the production, employment, and competitive position of industries likely to be significantly affected by the agreement, and the interests of United States consumers.

(3) REVIEW OF EMPIRICAL LITERATURE.—In preparing the assessment, the Commission shall review available economic assessments regarding the agreement, including literature regarding any substantially equivalent proposed agreement, and shall provide in its assessment a description of the analyses used and conclusions drawn in such literature, and a discussion of areas of consensus and divergence between the various analyses and conclusions, including those of the Commission regarding the agreement.

(k) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—Section 4(c), section 5(c), and subsection (c) of this section are enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such are deemed a part of the rules of each House, respectively, and such procedures supersede other rules only to the extent that they are inconsistent with such other rules; and

(2) with the full recognition of the constitutional right of either House to change the rules (so far as relating to the procedures of that House) at any time, in the same manner, and to the same extent as any other rule of that House.

SEC. 7. IMPLEMENTATION OF TRADE AGREEMENTS.

(a) IN GENERAL.—

(1) NOTIFICATION, SUBMISSION, AND ENACTMENT.—Any agreement entered into under section 4(b) shall enter into force with respect to the United States if (and only if)—

(A) the President, at least 120 calendar days before the day on which the President enters into the trade agreement, notifies the House of Representatives and the Senate of the President's intention to enter into the agreement, and promptly thereafter publishes notice of such intention in the Federal Register;

(B) the President, at least 90 calendar days before the day on which the President enters into the trade agreement, certifies to the Congress the trade agreement substantially achieves the principal negotiating objectives set forth in section 2 and those developed under section 5(b)(1);

(C) within 60 calendar days after entering into the agreement, the President submits to the Congress a description of those changes to existing laws that the President considers would be required in order to bring the United States into compliance with the agreement;

(D) after entering into the agreement, the President submits to the Congress a copy of the final legal text of the agreement, together with—

(i) a draft of an implementing bill;

(ii) a statement of any administrative action proposed to implement the trade agreement; and

(iii) the supporting information described in paragraph (2); and

(E) the implementing bill is enacted into law.

(2) SUPPORTING INFORMATION.—The supporting information required under paragraph (1)(D)(iii) consists of—

(A) an explanation as to how the implementing bill and proposed administrative action will change or affect existing law; and

(B) a statement—

(i) asserting that the agreement substantially achieves the applicable purposes, policies, and objectives of this Act; and

(ii) setting forth the reasons of the President regarding—

(I) how and to what extent the agreement substantially achieves the applicable purposes, policies, and objectives referred to in clause (i), and why and to what extent the agreement does not achieve other applicable purposes, policies, and objectives;

(II) how the agreement serves the interests of United States commerce; and

(III) why the implementing bill and proposed administrative action is required or appropriate to carry out the agreement;

(iii) describing the efforts made by the President to obtain international exchange rate equilibrium and any effect the agreement may have regarding increased international monetary stability; and

(iv) describing the extent, if any, to which—

(I) each foreign country that is a party to the agreement maintains non-commercial state trading enterprises that may adversely affect, nullify, or impair the benefits to the United States under the agreement; and

(II) the agreement applies to or affects purchases and sales by such enterprises.

(3) RECIPROCAL BENEFITS.—In order to ensure that a foreign country that is not a party to a trade agreement entered into under section 4(b) does not receive benefits under the agreement unless the country is also subject to the obligations under the agreement, the implementing bill submitted with respect to the agreement shall provide

that the benefits and obligations under the agreement apply only to the parties to the agreement, if such application is consistent with the terms of the agreement. The implementing bill may also provide that the benefits and obligations under the agreement do not apply uniformly to all parties to the agreement, if such application is consistent with the terms of the agreement.

(b) LIMITATIONS ON FAST TRACK PROCEDURES; CONCURRENCE BY CONGRESSIONAL TRADE ADVISERS IN PRESIDENT'S CERTIFICATION.—

(1) CONCURRENCE BY CONGRESSIONAL TRADE ADVISERS.—The fast track procedures shall not apply to any implementing bill submitted with respect to a trade agreement of which notice was provided under subsection (a)(1)(A) unless a majority of the congressional trade advisers, by a vote held not later than 30 days after the President submits the certification to Congress under subsection (a)(1)(B) with respect to the trade agreement, concur in the President's certification. The failure of the congressional trade advisers to hold a vote within that 30-day period shall be considered to be concurrence in the President's certification.

(2) COMPUTATION OF TIME PERIOD.—The 30-day period referred to in paragraph (1) shall be computed without regard to—

(A) the days on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain or an adjournment of the Congress sine die; and

(B) any Saturday and Sunday, not excluded under subparagraph (A), when either House of Congress is not in session.

SEC. 8. TREATMENT OF CERTAIN TRADE AGREEMENTS.

(a) CERTAIN AGREEMENTS.—Notwithstanding section 4(b)(2), if an agreement to which section 4(b) applies—

(1) is entered into under the auspices of the World Trade Organization regarding the rules of origin work program described in article 9 of the Agreement on Rules of Origin,

(2) is entered into otherwise under the auspices of the World Trade Organization,

(3) is entered into with Chile,

(4) is entered into with Singapore, or

(5) establishes a Free Trade Area for the Americas,

and results from negotiations that were commenced before the date of the enactment of this Act, subsection (b) shall apply.

(b) TREATMENT OF AGREEMENTS.—In the case of any agreement to which subsection (a) applies—

(1) the applicability of the fast track procedures to implementing bills shall be determined without regard to the requirements of section 5; and

(2) the President shall consult regarding the negotiations described in subsection (a) with the committees described in section 5(b)(1) and the congressional trade advisers as soon as feasible after the enactment of this Act.

(c) APPLICABILITY OF ENVIRONMENTAL ASSESSMENT.—

(1) URUGUAY ROUND AGREEMENTS AND FTAA.—With respect to agreements identified in paragraphs (2) and (5) of subsection (a)—

(A) the notice required under section 6(d)(3) shall be given not later than 30 days after the date of the enactment of this Act; and

(B) the preliminary draft of the environmental assessment required under section 6(d)(4) shall be submitted to the Congress not later than 18 months after such date of enactment.

(2) CHILE AND SINGAPORE.—With respect to agreements identified in paragraphs (3) and (4) of subsection (a), the Trade Representative shall consult with the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate to determine the appropriate time frame for submission to the Congress of an environmental assessment meeting the requirements of section 6(d)(2).

(3) RULES OF ORIGIN.—The requirements of section 6(d)(1) shall not apply to an agreement identified in subsection (a)(1).

(d) APPLICABILITY OF LABOR REVIEW.—

(1) URUGUAY ROUND AGREEMENTS AND FTAA.—With respect to agreements identified in paragraphs (2) and (5) of subsection (a)—

(A) the notice required under section 6(e)(3) shall be given not later than 30 days after the date of the enactment of this Act; and

(B) the preliminary draft of the labor review required under section 6(e)(4) shall be submitted to the Congress not later than 18 months after such date of enactment.

(2) CHILE AND SINGAPORE.—With respect to agreements identified in paragraphs (3) and (4) of subsection (a), the Trade Representative shall consult with the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate to determine the appropriate time frame for submission to the Congress of an environmental assessment meeting the requirements of section 6(e)(2).

(3) RULES OF ORIGIN.—The requirements of section 6(e)(1) shall not apply to an agreement identified in subsection (a)(1).

SEC. 9. ADDITIONAL REPORT AND STUDIES.

(a) REPORT ON TRADE-RESTRICTIVE PRACTICES.—Not later than 1 year after the date of the enactment of this Act, the President shall transmit to the Congress a report on trade-restrictive practices of foreign countries that are promoted, enabled, or facilitated by governmental or private entities in those countries, or that involve the delegation of regulatory powers to private entities.

(b) ANNUAL STUDY ON FLUCTUATIONS IN EXCHANGE RATE.—The Trade Representative shall prepare and submit to the Congress, not later than ____ of each year, a study of how fluctuations in the exchange rate caused by the monetary policies of the trading partners of the United States affect trade.

SEC. 10. ADDITIONAL IMPLEMENTATION AND ENFORCEMENT REQUIREMENTS.

At the time the President submits to the Congress the final text of an agreement pursuant to section 7(a)(1)(C), the President shall also submit a plan for implementing and enforcing the agreement. The implementation and enforcement plan shall include the following:

(1) BORDER PERSONNEL REQUIREMENTS.—A description of additional personnel required at border entry points, including a list of additional customs and agricultural inspectors.

(2) AGENCY STAFFING REQUIREMENTS.—A description of additional personnel required by Federal agencies responsible for monitoring, implementing, and enforcing the trade agreement, including personnel required by the Office of the United States Trade Representative, the Department of Commerce, the Department of Agriculture (including additional personnel required to evaluate sanitary and phytosanitary measures in order to obtain market access for United States exports), the Department of the Treasury, the Environmental Protection Agency, the Department of the Interior, the Department of Labor, and such other departments and agencies as may be necessary.

(3) CUSTOMS INFRASTRUCTURE REQUIREMENTS.—A description of the additional equipment and facilities needed by the United States Customs Service.

(4) IMPACT ON STATE AND LOCAL GOVERNMENTS.—A description of the impact the trade agreement will have on State and local governments as a result of increases in trade.

(5) COST ANALYSIS.—An analysis of the costs associated with each of the items listed in paragraphs (1) through (4).

SEC. 11. TECHNICAL AND CONFORMING AMENDMENTS.

(a) IN GENERAL.—Title I of the Trade Act of 1974 (19 U.S.C. 2111 et seq.) is amended as follows:

(1) IMPLEMENTING BILL.—

(A) Section 151(b)(1) (19 U.S.C. 2191(b)(1)) is amended by striking ''section 1103(a)(1) of the Omnibus Trade and Competitiveness Act of 1988, or section 282 of the Uruguay Round Agreements Act'' and inserting ''section 282 of the Uruguay Round Agreements Act, or section 7(a)(1) of the Comprehensive Trade Negotiating Authority Act of 2001''.

(B) Section 151(c)(1) (19 U.S.C. 2191(c)(1)) is amended by striking ''or section 282 of the Uruguay Round Agreements Act'' and inserting '', section 282 of the Uruguay Round Agreements Act, or section 7(a)(1) of the Comprehensive Trade Negotiating Authority Act of 2001''.

(2) ADVICE FROM INTERNATIONAL TRADE COMMISSION.—Section 131 (19 U.S.C. 2151) is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking ''section 123 of this Act or section 1102 (a) or (c) of the Omnibus Trade and Competitiveness Act of 1988,'' and inserting ''section 123 of this Act or section 4(a) or (b) of the Comprehensive Trade Negotiating Authority Act of 2001,''; and

(ii) in paragraph (2), by striking ''section 1102 (b) or (c) of the Omnibus Trade and Competitiveness Act of 1988'' and inserting ''section 4(b) of the Comprehensive Trade Negotiating Authority Act of 2001'';

(B) in subsection (b), by striking ''section 1102(a)(3)(A)'' and inserting ''section 4(a)(3)(A) of the Comprehensive Trade Negotiating Authority Act of 2001'' before the end period; and

(C) in subsection (c), by striking ''section 1102 of the Omnibus Trade and Competitiveness Act of 1988,'' and inserting ''section 4 of the Comprehensive Trade Negotiating Authority Act of 2001,''.

(3) HEARINGS AND ADVICE.—Sections 132, 133(a), and 134(a) (19 U.S.C. 2152, 2153(a), and 2154(a)) are each amended by striking ''section 1102 of the Omnibus Trade and Competitiveness Act of 1988,'' each place it appears and inserting ''section 4 of the Comprehensive Trade Negotiating Authority Act of 2001,''.

(4) PREREQUISITES FOR OFFERS.—Section 134(b) (19 U.S.C. 2154(b)) is amended by striking ''section 1102 of the Omnibus Trade and Competitiveness Act of 1988'' and inserting ''section 4 of the Comprehensive Trade Negotiating Authority Act of 2001''.

(5) ADVICE FROM PRIVATE AND PUBLIC SECTORS.—Section 135 (19 U.S.C. 2155) is amended—

(A) in subsection (a)(1)(A), by striking ''section 1102 of the Omnibus Trade and Competitiveness Act of 1988'' and inserting ''section 4 of the Comprehensive Trade Negotiating Authority Act of 2001'';

(B) in subsection (e)(1)—

(i) by striking ''section 1102 of the Omnibus Trade and Competitiveness Act of 1988'' each place it appears and inserting ''section 4 of the Comprehensive Trade Negotiating Authority Act of 2001''; and

(ii) by striking ''section 1103(a)(1)(A) of such Act of 1988'' and inserting ''section 7(a)(1)(A) of the Comprehensive Trade Negotiating Authority Act of 2001''; and

(C) in subsection (e)(2), by striking ''section 1101 of the Omnibus Trade and Competitiveness Act of 1988'' and inserting ''section 2 of the Comprehensive Trade Negotiating Authority Act of 2001''.

(6) TRANSMISSION OF AGREEMENTS TO CONGRESS.—Section 162(a) (19 U.S.C. 2212(a)) is amended by striking ''or under section 1102 of the Omnibus Trade and Competitiveness Act of 1988'' and inserting ''or under section 4 of the Comprehensive Trade Negotiating Authority Act of 2001''.

(b) APPLICATION OF CERTAIN PROVISIONS.—For purposes of applying sections 125, 126, and 127 of the Trade Act of 1974 (19 U.S.C. 2135, 2136(a), and 2137)—

(1) any trade agreement entered into under section 4 shall be treated as an agreement entered into under section 101 or 102, as appropriate, of the Trade Act of 1974 (19 U.S.C. 2111 or 2112); and

(2) any proclamation or Executive order issued pursuant to a trade agreement entered into under section 4 shall be treated as a proclamation or Executive order issued pursuant to a trade agreement entered into under section 102 of the Trade Act of 1974.

SEC. 12. DEFINITIONS.

In this Act:

(1) AGREEMENTS.—Any reference to any of the following agreements is a reference to that same agreement referred to in section 101(d) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)):

(A) The Agreement on Agriculture.

(B) The Agreement on the Application of Sanitary and Phytosanitary Measures.

(C) The Agreement on Technical Barriers to Trade.

(D) The Agreement on Trade-Related Investment Measures.

(E) The Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994.

(F) The Agreement on Rules of Origin.

(G) The Agreement on Subsidies and Countervailing Measures.

(H) The Agreement on Safeguards.

(I) The General Agreement on Trade in Services.

(J) The Agreement on Trade-Related Aspects of Intellectual Property Rights.

(K) The Agreement on Government Procurement.

(2) ANTIDUMPING AGREEMENT.—The term ''Antidumping Agreement'' means the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994.

(3) APPELLATE BODY; DISPUTE SETTLEMENT BODY; DISPUTE SETTLEMENT PANEL; DISPUTE SETTLEMENT UNDERSTANDING.—The terms ''Appellate Body'', ''Dispute Settlement Body'', ''dispute settlement panel'', and ''Dispute Settlement Understanding'' have the meanings given those terms in section 121 of the Uruguay Round Agreements Act (35 U.S.C. 3531).

(4) BUSINESS CONFIDENTIAL.—Information or evidence is ''business confidential'' if disclosure of the information or evidence is likely to cause substantial harm to the competitive position of the entity from which the information or evidence would be obtained.

(5) CONGRESSIONAL TRADE ADVISERS.—The term ''congressional trade advisers means the congressional advisers for trade policy and negotiations designated under section 161(a)(1) of the Trade Act of 1974 (19 U.S.C. 2211(a)(1)).

(6) FTAA.—The term ''FTAA'' means the Free Trade Area of the Americas or comparable agreement reached between the United States and the countries in the Western Hemisphere.

(7) FTAA AGREEMENT.—The term ''FTAA agreements'' means any agreements entered into to establish or carry out the FTAA.

(8) FTAA MEMBER; FTAA MEMBER COUNTRY.—The terms ''FTAA member'' and ''FTAA member country'' mean a country that is a member of the FTAA.

(9) GATT 1994.—The term ''GATT 1994'' has the meaning given that term in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501).

(10) ILO.—The term ''ILO'' means the International Labor Organization.

(11) IMPLEMENTING BILL.—The term ''implementing bill'' has the meaning given that term in section 151(b)(1) of the Trade Act of 1974 (19 U.S.C. 2191(b)(1)).

(12) NAFTA.—The term ''NAFTA'' means the North American Free Trade Agreement.

(13) TRADE REPRESENTATIVE.—The term ''Trade Representative'' means the United States Trade Representative.

(14) UNITED STATES PERSON.—The term ''United States person'' means—

(A) a United States citizen;

(B) a partnership, corporation, or other legal entity organized under the laws of the United States; and

(C) a partnership, corporation, or other legal entity that is organized under the laws of a foreign country and is controlled by entities described in subparagraph (B) or United States citizens, or both.

(15) URUGUAY ROUND AGREEMENTS.—The term ''Uruguay Round Agreements'' has the meaning given that term in section 2(7) of the Uruguay Round Agreements Act (19 U.S.C. 3501(7)).

(16) WTO.—The term ''WTO'' means the organization established pursuant to the WTO Agreement.

(17) WTO AGREEMENT.—The term ''WTO Agreement'' means the Agreement Establishing the World Trade Organization entered into on April 15, 1994.

Mr. RANGEL (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. RANGEL) is recognized for 5 minutes on his motion to recommit.

Mr. RANGEL. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, this is a very emotional time for me, because our Speaker said that this bill is just as important as fighting the war against terrorism. I think that is a big stretch, to compare the loss of American lives at Ground Zero to the passage of this bill as being on the same level. We cannot bring back those lives at Ground Zero, but we can get another chance to give the President the authority that so many of us believe that he wants and he deserves in order to have an effective trade policy.

We do not believe that under our government and the democratic way that we expect to legislate, that what we are doing is undercutting the President of the United States. We believe in our democratic world that the majority and the minority should have an opportunity to express themselves, and the fact that someone can pick up some Democratic friends in the middle of the night does not mean that the process of having bills and having hearings on bills and amendments on bills and having the people on the Committee on Ways and Means have an opportunity to discuss these things means to take away these rights, and for us to stand up for what we know is morally and legislatively right, that we are undercutting the President of the United States.

If the Committee on Rules says that we cannot express ourselves, we will fight on this. But we will salute that flag just as high as anybody else. And to infer that to vote against this piece of legislation, which we have no idea where it is going in the Senate, that it is the end of the day and that we are not fighting, that we are not as patriotic as the next American, wrong.

I will tell you this: This is just the beginning of our fight against terrorism, and this should be the beginning of us continuing to fight hard to maintain bipartisanship in this House and on the other side. We should not use our fight against terrorism loosely, and we should not compare the bill before us as the same thing in fighting the war against terrorism.

I just hope we recognize that we can defeat this bill before us. We can vote on the motion to recommit. We can make certain that we are concerned about the rights of kids, that they do not have to be involved in working in foreign governments and labor and be abused; protecting the environment; make certain we protect the constitutional rights of the Members of the House.

We can do all of those things. We can be patriots. We can be Americans and we can do these things.

Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. LEVIN).

(Mr. LEVIN asked and was given permission to revise and extend his remarks.)

Mr. LEVIN. Mr. Speaker, this debate is about trade and not about terrorism. It is not about American leadership. America must lead in trade in the right direction. Trade must expand, and it has to be shaped as that happens, and that is what we have been doing these last years. We have voted on these bills. Do not pretend they do not exist.

The Thomas bill would turn back the clock in key areas including those relating to labor.

□ 1530

I am an internationalist. This is not about isolationism. It is about how we shape our role as internationalists. It is not about protectionism. We are beyond that. Trade is so important that the role of Congress has to change. We cannot be rubber stamps or silent partners or consultants. We must be participants.

The Thomas bill falls so far short in that way. Vote, vote for the motion to recommit; and if that fails, vote against Thomas; and then if Thomas goes down and the recommittal motion goes down, we will come back and do it the right way.

Mr. RANGEL. Mr. Speaker, I yield the balance of my time to the minority leader.

Mr. GEPHARDT. Mr. Speaker, as I said previously, I want to commend the gentleman from New York (Mr. RANGEL) and the gentleman from California (Mr. MATSUI) and the gentleman from Michigan (Mr. LEVIN) for their hard work on this alternative. They have worked endlessly to put together what they believe to be the right trade policy for our country.

I agree with it entirely. I think it is the kind of vision that we need in trade. I think it is the kind of vision that we will ultimately come to in trade, and I urge Members to seriously consider voting for it.

The only way we will get these changes made in trade policy is if we have the votes to pass this kind of a motion. So I strongly recommend it to Members.

I honor their hard work and scholarship, their seriousness of purpose. It is a remarkable job that they have done, and I urge Members to vote for what I believe to be the right vision on trade for America now and in the future.

Mr. THOMAS. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from California is recognized for 5 minutes.

Mr. THOMAS. Mr. Speaker, most others would oppose this if they had told us what was in it during their 5 minutes; but that usually is my job, to tell people what is in the motion to recommit.

First of all, that is the motion to recommit, and I do have to compliment the gentleman from New York (Mr. RANGEL) in which he utilized patriotism by condemning others using patriotism to urge that my colleagues support his motion to recommit. Nicely done.

What the minority leader said was that this position contains all the right issues.

The gentleman from Michigan (Mr. LEVIN), who is the author of this, says that it moves in the right direction; and in fact, the key phrase from the gentleman from Michigan is it says it is how we should shape our world.

I want my colleagues to think about a document which the minority asks us to vote for, which more than 75 pages consists of mandates, of requirements that others must meet. To give my colleagues the flavor of the 75 pages of mandates, we only have to get to page 6 when it says any agreement that comes back must maintain bona fide food aid programs. Now, what is a bona fide food aid program? Whatever it is, the agreement between whoever country works with us must maintain a bona fide food aid program.

My colleagues can imagine 75 pages of maintaining, to preserve, to promote, to eliminate, to achieve, to explore, to develop, to identify, to clarify and on and on, that an agreement has to meet these because they are mandates, and if they do not meet them, guess what? There is a structure that will judge whether or not those mandates have been met.

First of all, to get an agreement through Congress in this package, requires that my colleagues vote not once, remember, normally, this is called Fast Track, that we do not vote once, that we do not have to vote twice, but we have to vote three times; and every time we have to achieve a majority.

On those 75 pages of mandates, this is the structure to determine whether or not the agreement has met the particular mandate. It takes nine Members of the House and nine Members of the Senate, and it constructs them so that the nine and the nine just happen to be nine Democrats and nine Republicans, and if they hold their party line, if the AFL-CIO is able to hold the party line, any agreement goes down because to get an agreement not only requires us to go through those three separate votes, but we then have to on any one of these 75 pages of mandates, have to get a majority of that structure to go forward.

I know that sometimes bringing countries together over the negotiating table is difficult to do; and that is why, in committee, when this was offered as a substitute, with 17 Democrats on the committee, the leadership of the Committee on Ways and Means, laying this in front of their Democratic colleagues, did not get 17 vote, did not get 16 votes, did not get 14 vote, did not get 13 votes. They were able to muster 12 of the 17 in support of this; and once my colleagues know what is inside of it, we begin to wonder about the 12 that voted for it.

That is why they would not spend one minute of their time telling us what is in this document; but if my colleagues examine it, what it is is a guarantee that unless and until one or two people's vision over there of how we shape our world is in each and every document, we will not have a trade agreement. That is not the way a trade agreement arrangement should work.

I want to compliment the Democrats that voted against it in Ways and Means. I want to compliment the Democrats who will vote down the motion to recommit, and I want to compliment all of those who will support Trade Promotion Authority for the President.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. RANGEL. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair announces that he will reduce to 5 minutes the period of time within which a vote by electronic device will be taken on the question of the passage of the bill.

The vote was taken by electronic device, and there were—ayes 162, noes 267, not voting 5, as follows:

[Roll No. 480]

AYES—162

Abercrombie	Gutierrez	Moore
Ackerman	Hall (OH)	Moran (VA)
Allen	Hastings (FL)	Nadler
Andrews	Hilliard	Napolitano
Baird	Hinchey	Neal
Baldacci	Hinojosa	Obey
Barcia	Hoeffel	Olver
Barrett	Holt	Owens
Becerra	Honda	Pallone
Bentsen	Hooley	Pascrell
Berkley	Hoyer	Pastor
Berman	Inslee	Payne
Berry	Israel	Pelosi
Bishop	Jackson (IL)	Phelps
Blagojevich	Jackson-Lee (TX)	Pomeroy
Blumenauer	Johnson, E. B.	Price (NC)
Boswell	Jones (OH)	Rangel
Boucher	Kaptur	Reyes
Brown (FL)	Kennedy (RI)	Rodriguez
Capps	Kildee	Roemer
Capuano	Kilpatrick	Ross
Cardin	Kind (WI)	Rothman
Carson (IN)	Kleczka	Roybal-Allard
Clay	Kucinich	Rush
Clayton	LaFalce	Sanchez
Clement	Lampson	Sanders
Clyburn	Langevin	Sandlin
Condit	Lantos	Sawyer
Conyers	Larson (CT)	Schakowsky
Costello	Levin	Schiff
Coyne	Lewis (GA)	Scott
Cramer	Lipinski	Serrano
Crowley	Lowey	Sherman
Cummings	Luther	Shows
Davis (CA)	Lynch	Skelton
Davis (IL)	Maloney (CT)	Slaughter
DeFazio	Maloney (NY)	Solis
DeGette	Markey	Spratt
Delahunt	Matsui	Stark
Deutsch	McCarthy (MO)	Thompson (CA)
Doggett	McCarthy (NY)	Thompson (MS)
Edwards	McCollum	Tierney
Engel	McDermott	Towns
Eshoo	McGovern	Turner
Etheridge	McIntyre	Udall (CO)
Evans	McKinney	Udall (NM)
Farr	McNulty	Waters
Fattah	Meehan	Watson (CA)
Filner	Meeks (NY)	Watt (NC)
Frank	Menendez	Waxman
Frost	Millender-McDonald	Weiner
Gephardt	Miller, George	Wexler
Gonzalez	Mink	Woolsey
Gordon		Wynn
Green (TX)		

NOES—267

Aderholt	Cannon	Emerson
Akin	Cantor	English
Armey	Capito	Everett
Baca	Carson (OK)	Ferguson
Bachus	Castle	Flake
Baker	Chabot	Fletcher
Baldwin	Chambliss	Foley
Ballenger	Coble	Forbes
Barr	Collins	Ford
Bartlett	Combest	Fossella
Barton	Cooksey	Frelinghuysen
Bass	Cox	Gallegly
Bereuter	Crane	Ganske
Biggert	Crenshaw	Gekas
Bilirakis	Cubin	Gibbons
Blunt	Culberson	Gilchrest
Boehlert	Cunningham	Gillmor
Boehner	Davis (FL)	Gilman
Bonilla	Davis, Jo Ann	Goode
Bonior	Davis, Tom	Goodlatte
Bono	Deal	Goss
Boozman	DeLauro	Graham
Borski	DeLay	Granger
Boyd	DeMint	Graves
Brady (PA)	Diaz-Balart	Green (WI)
Brady (TX)	Dicks	Greenwood
Brown (OH)	Dingell	Grucci
Brown (SC)	Dooley	Gutknecht
Bryant	Doolittle	Hall (TX)
Burr	Doyle	Hansen
Burton	Dreier	Harman
Buyer	Duncan	Hart
Callahan	Dunn	Hastert
Calvert	Ehlers	Hastings (WA)
Camp	Ehrlich	Hayes

Hayworth	Mica	Shaw
Hefley	Miller, Dan	Shays
Herger	Miller, Gary	Sherwood
Hill	Miller, Jeff	Shimkus
Hilleary	Mollohan	Shuster
Hobson	Moran (KS)	Simmons
Hoekstra	Morella	Simpson
Holden	Murtha	Skeen
Horn	Myrick	Smith (MI)
Houghton	Nethercutt	Smith (NJ)
Hulshof	Ney	Smith (TX)
Hunter	Northup	Smith (WA)
Hyde	Norwood	Snyder
Isakson	Nussle	Souder
Issa	Oberstar	Stearns
Istook	Ortiz	Stenholm
Jefferson	Osborne	Strickland
Jenkins	Ose	Stump
John	Otter	Stupak
Johnson (CT)	Oxley	Sununu
Johnson (IL)	Paul	Sweeney
Johnson, Sam	Pence	Tancredo
Jones (NC)	Peterson (MN)	Tanner
Kanjorski	Peterson (PA)	Tauscher
Keller	Petri	Tauzin
Kelly	Pickering	Taylor (MS)
Kennedy (MN)	Pitts	Taylor (NC)
Kerns	Platts	Terry
King (NY)	Pombo	Thomas
Kingston	Portman	Thornberry
Kirk	Pryce (OH)	Thune
Knollenberg	Putnam	Thurman
Kolbe	Radanovich	Tiahrt
LaHood	Rahall	Tiberi
Largent	Ramstad	Toomey
Larsen (WA)	Regula	Traficant
Latham	Rehberg	Upton
LaTourette	Reynolds	Velazquez
Leach	Riley	Visclosky
Lee	Rivers	Vitter
Lewis (CA)	Rogers (KY)	Walden
Lewis (KY)	Rogers (MI)	Walsh
Linder	Rohrabacher	Wamp
LoBiondo	Ros-Lehtinen	Watkins (OK)
Lofgren	Royce	Watts (OK)
Lucas (KY)	Ryan (WI)	Weldon (FL)
Lucas (OK)	Ryun (KS)	Weldon (PA)
Manzullo	Sabo	Weller
Mascara	Saxton	Whitfield
Matheson	Schaffer	Wicker
McCrery	Schrock	Wilson
McHugh	Sensenbrenner	Wolf
McInnis	Sessions	Wu
McKeon	Shadegg	Young (FL)

NOT VOTING—5

Hostettler	Quinn	Young (AK)
Meek (FL)	Roukema	

□ 1559

Mr. GREENWOOD, Mr. WALSH, Mrs. CUBIN, Messrs. BROWN of South Carolina, COX, STRICKLAND, HERGER, BORSKI, MURTHA, Ms. VELÁZQUEZ, Messrs. DOYLE, MASCARA, BRADY of Pennsylvania, RAHALL, HOLDEN, and KANJORSKI changed their vote from ''aye'' to ''no.''

Mr. MEEHAN changed his vote from ''no'' to ''aye.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

□ 1600

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). Notwithstanding the Chair's earlier announcement, the time for electronic vote on passage, if ordered, will be 15 minutes.

The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MCDERMOTT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 215, noes 214, not voting 5, as follows:

[Roll No. 481]

AYES—215

Akin	Gillmor	Ortiz
Armey	Goodlatte	Osborne
Bachus	Goss	Ose
Baker	Granger	Otter
Ballenger	Graves	Oxley
Barr	Green (WI)	Pence
Barton	Greenwood	Peterson (PA)
Bass	Grucci	Petri
Bentsen	Gutknecht	Pickering
Bereuter	Hall (TX)	Pitts
Biggert	Hansen	Platts
Bilirakis	Hart	Pombo
Blunt	Hastert	Portman
Boehlert	Hastings (WA)	Pryce (OH)
Boehner	Hayes	Radanovich
Bonilla	Hayworth	Ramstad
Bono	Hefley	Rehberg
Boozman	Herger	Reynolds
Brady (TX)	Hill	Riley
Brown (SC)	Hilleary	Rogers (MI)
Bryant	Hinojosa	Rohrabacher
Burr	Hobson	Ros-Lehtinen
Burton	Horn	Royce
Buyer	Houghton	Ryan (WI)
Callahan	Hulshof	Ryun (KS)
Calvert	Hunter	Saxton
Camp	Hyde	Schaffer
Cannon	Isakson	Schrock
Cantor	Issa	Sensenbrenner
Carson (OK)	Istook	Sessions
Castle	Jefferson	Shadegg
Chabot	Jenkins	Shaw
Chambliss	John	Shays
Collins	Johnson (CT)	Sherwood
Combest	Johnson (IL)	Shimkus
Cooksey	Johnson, Sam	Shuster
Cox	Keller	Simpson
Crane	Kelly	Skeen
Crenshaw	Kennedy (MN)	Skelton
Cubin	Kerns	Smith (MI)
Culberson	King (NY)	Smith (TX)
Cunningham	Kingston	Snyder
Davis (CA)	Kirk	Souder
Davis (FL)	Knollenberg	Stearns
Davis, Jo Ann	Kolbe	Stenholm
Davis, Tom	LaHood	Stump
Deal	Largent	Sununu
DeLay	Latham	Sweeney
DeMint	Leach	Tancredo
Diaz-Balart	Lewis (CA)	Tanner
Dicks	Lewis (KY)	Tauzin
Dooley	Linder	Terry
Doolittle	Lucas (KY)	Thomas
Dreier	Lucas (OK)	Thornberry
Dunn	Manzullo	Thune
Ehlers	Matheson	Tiahrt
Ehrlich	McCrery	Tiberi
Emerson	McInnis	Toomey
English	McKeon	Upton
Etheridge	Mica	Vitter
Everett	Miller, Dan	Walden
Ferguson	Miller, Gary	Wamp
Flake	Miller, Jeff	Watkins (OK)
Fletcher	Moore	Watts (OK)
Forbes	Moran (KS)	Weldon (FL)
Fossella	Moran (VA)	Weller
Frelinghuysen	Morella	Whitfield
Gallegly	Myrick	Wicker
Ganske	Nethercutt	Wilson
Gekas	Ney	Wolf
Gibbons	Northup	Young (FL)
Gilchrest	Nussle	

NOES—214

Abercrombie	Blumenauer	Coble
Ackerman	Bonior	Condit
Aderholt	Borski	Conyers
Allen	Boswell	Costello
Andrews	Boucher	Coyne
Baca	Boyd	Cramer
Baird	Brady (PA)	Crowley
Baldacci	Brown (FL)	Cummings
Baldwin	Brown (OH)	Davis (IL)
Barcia	Capito	DeFazio
Barrett	Capps	DeGette
Bartlett	Capuano	Delahunt
Becerra	Cardin	DeLauro
Berkley	Carson (IN)	Deutsch
Berman	Clay	Dingell
Berry	Clayton	Doggett
Bishop	Clement	Doyle
Blagojevich	Clyburn	Duncan
Edwards	Lee	Reyes
Engel	Levin	Rivers
Eshoo	Lewis (GA)	Rodriguez
Evans	Lipinski	Roemer
Farr	LoBiondo	Rogers (KY)
Fattah	Lofgren	Ross
Filner	Lowey	Rothman
Foley	Luther	Roybal-Allard
Ford	Lynch	Rush
Frank	Maloney (CT)	Sabo
Frost	Maloney (NY)	Sanchez
Gephardt	Markey	Sanders
Gilman	Mascara	Sandlin
Gonzalez	Matsui	Sawyer
Goode	McCarthy (MO)	Schakowsky
Gordon	McCarthy (NY)	Schiff
Graham	McCollum	Scott
Green (TX)	McDermott	Serrano
Gutierrez	McGovern	Sherman
Hall (OH)	McHugh	Shows
Harman	McIntyre	Simmons
Hastings (FL)	McKinney	Slaughter
Hilliard	McNulty	Smith (NJ)
Hinchey	Meehan	Smith (WA)
Hoeffel	Meeks (NY)	Solis
Hoekstra	Menendez	Spratt
Holden	Millender-McDonald	Stark
Holt	Miller, George	Strickland
Honda	Mink	Stupak
Hooley	Mollohan	Tauscher
Hoyer	Murtha	Taylor (MS)
Inslee	Nadler	Taylor (NC)
Israel	Napolitano	Thompson (CA)
Jackson (IL)	Neal	Thompson (MS)
Jackson-Lee (TX)	Norwood	Thurman
Johnson, E. B.	Oberstar	Tierney
Jones (NC)	Obey	Towns
Jones (OH)	Olver	Traficant
Kanjorski	Owens	Turner
Kaptur	Pallone	Udall (CO)
Kennedy (RI)	Pascrell	Udall (NM)
Kildee	Pastor	Velazquez
Kilpatrick	Paul	Visclosky
Kind (WI)	Payne	Walsh
Kleczka	Pelosi	Waters
Kucinich	Peterson (MN)	Watson (CA)
LaFalce	Phelps	Watt (NC)
Lampson	Pomeroy	Waxman
Langevin	Price (NC)	Weiner
Lantos	Putnam	Weldon (PA)
Larsen (WA)	Rahall	Wexler
Larson (CT)	Rangel	Woolsey
LaTourette	Regula	Wu
		Wynn

NOT VOTING—5

Hostettler	Quinn	Young (AK)
Meek (FL)	Roukema	

□ 1637

Mr. DEMINT changed his vote from ''no'' to ''aye.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 2883, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2002

Mr. GOSS. Mr. Speaker, I ask unanimous consent on the part of the House to have until midnight, December 6, 2001, to file a conference report on the bill (H.R. 2883) to authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Florida?

There was no objection.

MAKING IN ORDER AT ANY TIME CONSIDERATION OF CONFERENCE REPORT ON H.R. 2944, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2002

Mr. LINDER. Mr. Speaker, I ask unanimous consent that it be in order at any time to consider the conference report to accompany the bill (H.R. 2944) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2002, and for other purposes; that all points of order against the conference report and against its consideration be waived; that the conference report be considered as read when called up; and that H. Res. 307 be laid on the table.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

GENERAL LEAVE

Mr. KNOLLENBERG. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2944, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. RYAN of Wisconsin). Is there objection to the request of the gentleman from Michigan?

There was no objection.

CONFERENCE REPORT ON H.R. 2944, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2002

Mr. KNOLLENBERG. Mr. Speaker, pursuant to the previous order of the House, I call up the conference report accompanying the bill (H.R. 2944) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2002, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the previous order of the House, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of December 5, 2001, at page H8914.)

The SPEAKER pro tempore. The gentleman from Michigan (Mr. KNOLLENBERG) and the gentleman from Pennsylvania (Mr. FATTAH) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan (Mr. KNOLLENBERG).

Mr. KNOLLENBERG. Mr. Speaker, I yield myself such time as I may consume.

I am pleased to bring to the House the conference report for H.R. 2944, the fiscal year 2002, the District of Columbia Appropriations Act. When I took the helm of the Subcommittee on the District of Columbia of the Committee on Appropriations in January, I said I wanted to be a partner with the District of Columbia as we jointly developed an agenda that promotes the continued renaissance of the city. Our subcommittee held several hearings covering a broad range of issues that I believe were tremendous assets as we crafted the bill. Our focus then, as it is now, was on economic development, education, and public safety, and they remain my focus, as they will in the future.

□ 1645

I believe this conference agreement reflects this commitment and the hard work of each and every member of the Subcommittee on the District of Columbia of the Committee on Appropriations. Their collective and individual dedication and expertise is to be commended.

As I wrap up the first year as chairman of the subcommittee, I want to thank two of my colleagues in particular. First, I wish to thank the gentleman from Pennsylvania (Mr. FATTAH) for all the great work he has done as a member of the committee from Pennsylvania.

We have worked, I think, very well in this process. There have been open channels of communication. His advice and counsel have been very valuable to me, and I think truly we have a better bill because of him.

I also want to thank the District of Columbia and the gentlewoman from the District of Columbia (Ms. NORTON). She is a tireless advocate for the city, and the District's residents are lucky to have her. She has been very open and candid with me, and has been a very valuable source of information.

Before I move the bill, I would like to thank the many staff members: Migo Miconi and Mary Porter of the subcommittee staff, and also Jeff Onizuk and Candra Symonds from my own staff; Tom Forhan from the minority staff has been a great help, and William Miles of Mr. FATTAH'S staff, as well. There have been many long days and long nights, and their dedication and professionalism has been something worthy of a lot of praise.

I want to also salute Mary Porter, who has been staffing this bill for 40 years. Mary is behind me here somewhere.

I believe this is a fiscally responsible conference report, and I will not go into all the details; there are many. But I can tell the Members this: We were all, I believe, very pleased with what did develop here. It is a bipartisan effort, and one that myself and the gentleman from Pennsylvania (Mr. FATTAH) have worked to bring about.

I just want to emphasize that this legislation does eliminate approximately half of the general provisions contained in last year's legislation, and it does some things that simplify things, I believe, for us in the future.

Obviously, the events of 9–11 were a concern for all of us, and D.C., outside of New York City, was the most focused-upon city in the country because of the terrorist attacks.

Mr. Speaker, I include for the RECORD a chart relating to H.R. 2944, District of Columbia Appropriations Act, 2002:

H.R. 2944 - District of Columbia Appropriations Act, 2002

(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	House	Senate	Conference	Conference vs. enacted
FEDERAL FUNDS						
Federal payment for Resident Tuition Support	17,000	17,000	17,000	17,000	17,000	.....
Capitol City Career Dev & Job Training Partnership	.....	.....	1,500	.....	500	+500
Federal payment to Capitol Education Fund	.....	.....	.....	.....	500	+500
Federal payment to Metropolitan Kappa Youth Development Foundation, Inc	.....	.....	.....	.....	450	+450
Federal payment for World Bank/IMF meeting	.....	15,918	.....	.....	.....	.....
Fed payment to the Fire & Emergency Med Services Dept	.....	.....	500	.....	500	+500
Federal payment to the Chief Medical Examiner	.....	.....	585	.....	585	+585
Federal payment to the Youth Life Foundation	.....	.....	250	.....	250	+250
Federal payment to Food and Friends	.....	.....	2,000	.....	2,000	+2,000
Federal payment to the City Administrator	.....	.....	300	.....	300	+300
Federal payment to Southeastern University	.....	.....	500	.....	500	+500
Fed payment to the Voyager Universal Literacy System	.....	.....	1,000	.....	.....	.....
Federal payment to DCPS	500	.....	.....	2,750	2,500	+2,000
Fed payment to the Office of the Chief Tech Officer	.....	.....	500	.....	.....	.....
Federal Law Enforcement Mobile Interoperability project	.....	.....	.....	1,400	1,400	+1,400
Federal payment for Emergency Planning and Security Costs in the District of Columbia	.....	.....	16,058	16,058	16,058	+16,058
Federal Payment to the Chief Financial Office of the District of Columbia	1,250	.....	2,350	5,900	8,300	+7,050
(Supplemental funding)	750	.....	.....	.....	.....	-750
(By transfer, supplemental funding)	(250)	.....	.....	.....	.....	(-250)
Federal payment to the District of Columbia Corrections Trustee Operations	134,200	32,700	32,700	32,700	30,200	-104,000
Federal payment to the District of Columbia Courts	105,000	111,378	111,238	140,181	112,180	+7,180
Miscellaneous appropriations (P.L. 106-554)	400	.....	.....	.....	.....	-400
Crime victims fund (misc appropriations P.L. 106-554) 1/	18,000	.....	.....	.....	.....	-18,000
Federal payment for Family Court Act	.....	.....	23,316	.....	24,016	+24,016
Defender Services in District of Columbia Courts	34,387	34,311	34,311	39,311	34,311	-76
Federal payment to the Court Services and Offender Supervision Agency for the District of Columbia	112,527	147,300	147,300	147,300	147,300	+34,773
Children's National Medical Center	500	.....	5,500	3,200	5,500	+5,000
St. Coletta of Greater Washington Expansion Project	1,000	.....	1,000	.....	2,000	+1,000
Federal payment to Faith and Politics Institute	.....	.....	50	.....	50	+50
Federal payment to the Thurgood Marshall Academy Charter School	.....	.....	.....	1,000	1,000	+1,000
Federal payment to the George Washington University Center for Excellence in Municipal Management	.....	.....	.....	250	250	+250
Federal payment for Child and Family Services Computer Integration Plan	.....	.....	.....	200	.....	.....
Federal payment to the District of Columbia Court Appointed Special Advocates Unit	.....	.....	.....	250	250	+250
Federal payment to the Child and Family Agency	.....	.....	.....	500	.....	.....
Federal Contribution for Enforcement of Law Banning Possession of Tobacco Products by Minors (Sec. 130)	100	.....	100	.....	100	.....
Federal payment for Commercial Revitalization program	1,500	.....	.....	.....	.....	-1,500
Federal payment for Metropolitan Police Department	100	.....	.....	.....	.....	-100
Contribution to Covenant House Washington	500	.....	.....	.....	.....	-500
Federal payment of Washington Interfaith Network	1,000	.....	.....	.....	.....	-1,000
Federal payment for Plan to Simplify Employee Compensation Systems	250	.....	.....	.....	.....	-250
Metrorail construction	25,000	.....	.....	.....	.....	-25,000
Federal payment for Brownfield remediation	3,450	.....	.....	.....	.....	-3,450
Presidential Inauguration	5,961	.....	.....	.....	.....	-5,961
Child Advocacy Center	500	.....	.....	.....	.....	-500
District of Columbia Special Olympics	250	.....	.....	.....	.....	-250
Total, Federal funds to the District of Columbia	464,125	358,607	398,058	408,000	408,000	-56,125
DISTRICT OF COLUMBIA FUNDS						
Operating Expenses						
District of Columbia Financial Responsibility and Management Assistance Authority	(3,140)	.....	.....	.....	.....	(-3,140)
Governmental direction and support	(195,771)	(284,559)	(285,359)	(307,117)	(286,138)	(+90,367)
(Supplemental funding)	(5,150)	.....	.....	.....	.....	(-5,150)
Economic development and regulation	(205,638)	(230,878)	(230,878)	(230,878)	(230,878)	(+25,240)
(Supplemental funding)	(1,685)	.....	.....	.....	.....	(-1,685)
Public safety and justice	(762,546)	(632,668)	(633,853)	(632,668)	(633,853)	(-128,693)
(Supplemental funding)	(8,871)	.....	.....	.....	.....	(-8,871)
Public education system	(998,918)	(1,106,165)	(1,106,165)	(1,108,915)	(1,108,665)	(+109,747)
(Supplemental funding)	(13,000)	.....	.....	.....	.....	(-13,000)
Human support services	(1,535,654)	(1,803,923)	(1,803,923)	(1,803,923)	(1,803,923)	(+268,269)
(Supplemental funding)	(28,000)	.....	.....	.....	.....	(-28,000)
Public works	(278,242)	(300,151)	(300,151)	(300,151)	(300,151)	(+21,909)
(Supplemental funding)	(131)	.....	.....	.....	.....	(-131)
Receivership Programs	(389,528)	(403,368)	(403,368)	(403,868)	(403,868)	(+14,340)
Workforce Investments	.....	(42,896)	(42,896)	(42,896)	(42,896)	(+42,896)
(Supplemental funding)	(40,500)	.....	.....	.....	.....	(-40,500)
Reserve	(150,000)	(150,000)	(150,000)	(120,000)	(120,000)	(-30,000)
Reserve Relief	.....	.....	.....	(30,000)	(30,000)	(+30,000)

H.R. 2944 - District of Columbia Appropriations Act, 2002 — continued

(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	House	Senate	Conference	Conference vs. enacted
Repayment of Loans and Interest	(243,238)	(247,902)	(247,902)	(247,902)	(247,902)	(+4,664)
Repayment of General Fund Recovery Debt	(39,300)	(39,300)	(39,300)	(39,300)	(39,300)	.....
Payment of Interest on Short-Term Borrowing	(1,140)	(500)	(500)	(500)	(500)	(-640)
Presidential Inauguration	(5,961)	.....	.....	.....	.....	(-5,961)
Certificates of Paticipation	(7,950)	.....	.....	.....	.....	(-7,950)
Emergency Planning and Security Costs	.....	.....	(16,058)	.....	(16,058)	(+16,058)
Security for meetings	.....	(15,918)	.....	.....	.....	.....
Wilson Building	(8,409)	(8,859)	(8,859)	(8,859)	(8,859)	(+450)
(Supplemental funding)	(7,100)	.....	.....	.....	.....	(-7,100)
Optical and Dental Insurance Payments	(2,675)	.....	.....	.....	.....	(-2,675)
Management Supervisory Services	(13,200)	.....	.....	.....	.....	(-13,200)
Emergency Reserve Fund Transfer	(61,406)	(33,254)	(33,254)	(33,254)	(33,254)	(-28,152)
Operational Improvements Savings (including Managed Competition)	(-10,000)	.....	.....	.....	.....	(+10,000)
Management Reform Savings	(-37,000)	.....	.....	.....	.....	(+37,000)
Cafeteria Plan Savings	(-5,000)	.....	.....	.....	.....	(+5,000)
Non-Department Agency	.....	(5,799)	(5,799)	(5,799)	(5,799)	(+5,799)
Total, operating expenses, general fund	(4,955,153)	(5,306,140)	(5,308,265)	(5,316,030)	(5,312,044)	(+356,891)
Enterprise Funds						
Water and Sewer Authority	(275,705)	(244,978)	(244,978)	(244,978)	(244,978)	(-30,727)
Washington Aqueduct	.....	(46,510)	(46,510)	(46,510)	(46,510)	(+46,510)
(Supplemental funding)	(2,151)	.....	.....	.....	.....	(-2,151)
Stormwater Permit Compliance	.....	(3,100)	(3,100)	(3,100)	(3,100)	(+3,100)
Lottery and Charitable Games Control Board	(223,200)	(229,688)	(229,688)	(229,688)	(229,688)	(+6,488)
Sports and Entertainment Commission	(10,968)	(9,127)	(9,127)	(9,127)	(9,627)	(-1,341)
Public Benefit Corporation	(78,235)	.....	.....	.....	.....	(-78,235)
D.C. Retirement Board	(11,414)	(13,388)	(13,388)	(13,388)	(13,388)	(+1,974)
Correctional Industries Fund	(1,808)	.....	.....	.....	.....	(-1,808)
Washington Convention Center	(52,726)	(57,278)	(57,278)	(57,278)	(57,278)	(+4,552)
Housing Finance Agency	.....	(4,711)	(4,711)	(4,711)	(4,711)	(+4,711)
National Capital Revitalization Corporation	.....	(2,673)	(2,673)	(2,673)	(2,673)	(+2,673)
Total, Enterprise Funds	(656,207)	(611,453)	(611,453)	(611,453)	(611,953)	(-44,254)
Total, operating expenses	(5,611,360)	(5,917,593)	(5,919,718)	(5,927,483)	(5,923,997)	(+312,637)
Capital Outlay						
General fund 2/	(1,022,074)	(1,074,605)	(1,074,605)	(1,074,604)	(1,074,605)	(+52,531)
Water and Sewer Fund	(140,725)	(152,114)	(152,114)	(152,114)	(152,114)	(+11,389)
Total, Capital Outlay	(1,162,799)	(1,226,719)	(1,226,719)	(1,226,718)	(1,226,719)	(+63,920)
Total, District of Columbia funds	(6,774,159)	(7,144,312)	(7,146,437)	(7,154,201)	(7,150,716)	(+376,557)
Total:						
Federal Funds to the District of Columbia	464,125	358,607	398,058	408,000	408,000	-56,125
District of Columbia funds	(6,774,159)	(7,144,312)	(7,146,437)	(7,154,201)	(7,150,716)	(+376,557)

1/ Section 403 P.L. 106-554, 114 Stat. 2763a-188

2/ Rounded

Mr. Speaker, I reserve the balance of my time.

Mr. FATTAH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the chairman, who has led us to this moment. We have a much-improved product from previous years, and it is because of the leadership that the gentleman from Michigan has put forward in this effort.

I want to also thank a number of the people on the staff on our side: Tom Forhan and William Miles on my personal staff. I would also like to thank Migo Miconi and Mary Porter on the chairman's staff, and also Jeff Onizuk on the personal staff of the gentleman from Michigan (Chairman KNOLLENBERG), who have all played a very important role in this bill.

This is not a perfect bill, and there are things in it that we would like to improve even further. But I would have to say that we have done a very good job in terms of addressing many of the concerns, and I note that the mayor of the city has had very kind things to say about the work of the conference committee.

I would like to also thank his staff, and in particular, Sabrina McNeil, who worked very hard to make sure that we understood the needs of the District.

Mr. Speaker, I reserve the balance of my time.

Mr. KNOLLENBERG. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. CUNNINGHAM), the longest-serving member of this subcommittee.

Mr. CUNNINGHAM. Mr. Speaker, I volunteered to stay on this committee because I think, of all the areas in which Congress can improve, it is in Washington, D.C., our Nation's Capital.

We have made great strides, and Mr. Speaker, the chairmen have made great strides. But for the first time since I have been on the committee, I am not going to vote for this bill with some good things in it.

Mr. Speaker, I speak, I think, from authority. I was chairman on authorization for the Subcommittee on Labor, Health and Human Services and Education, and forwarded the legislation to President Clinton on IDEA, the Individuals With Disabilities Education Act.

For 5 years I worked to take money out of lawyers' hands and pockets and shift it to children. We were able to save over $10 million a year, and instead of going to lawyers, it went to hire special education teachers. It set forth new programs for special education. It worked.

In one setting, the chairman totally wiped out 5 years of everything that I have worked for. Am I upset? Yes, especially since it was staff-driven. Who is supposed to control this Chamber, the staff or the Members?

Mr. Speaker, I want to say one lawyer in D.C. earned $1.4 million suing the city of D.C. over special education; a firm, $5 million. Those are just two individuals.

I want to say I have spent my life working for children and getting the money down. I have been through no less than 20 hearings on this particular issue, from when I was in the subcommittee on authorization, since I listened to the gentleman from Indiana (Mr. BURTON) who ran hearings this year, to the gentleman from Ohio (Mr. BOEHNER), to the rest of it. I cannot tell the Members my contempt on the outcome of this issue.

I am not going to speak for the full 5 minutes, since there are a lot of people trying to catch planes. But I state again my opposition to this bill.

Mr. Speaker, I rise in opposition to the conference report on the floor today. This will be the first District of Columbia Appropriations Act I will vote against since I came to serve on the Committee.

I want to be clear, it is an honor to serve on the Appropriations Committee and especially the District of Columbia Subcommittee, where I am currently the longest active serving member. In addition, I commend Chairman KNOLLENBERG for his leadership on this committee. In his first year as a Cardinal he has proven up to the difficult task of shaping an appropriations bill. For the last few years, I have resided here in the District and have seen first hand the problems that citizens here face in dealing with their own city government. I am pleased to have had the honor to work on this committee during what is truly the ''rebirth'' of the District's financial condition.

When I came to the committee, the District was in financial ruin. Congress left no choice but to create the D.C. Control Board to oversee the city's budget to help bring order to the budget of the District of Columbia. I am pleased that the budget before us today was the sole responsibility of the elected officials of the District. Working together Congress and city officials have created a good budget that balances the needs of the people of the District with the financial constraints facing all governmental bodies.

This $5.3 billion conference agreement provides new money for education and public safety—including public and charter schools, college tuition aid, a new court charged to protect abused children, emergency preparedness and ex-offender supervision. It includes a provision that is critical to public safety in the District, $500,000 for the repair of the D.C. Fireboat, the John Glenn. This historic fireboat has served this city well for many years but is in need of repair. In total, this bill will help the people of the District in many ways.

SPEC ED ATTYS FEES

Yet, with all that is in this agreement, I can not, in good conscience, vote for this bill. Since 1998, the D.C. Appropriations Act has carried a provision limiting the amount of money D.C. Public Schools (DCPS) will pay to special education attorneys. This provision restricted the amount of money lawyers could be reimbursed for the representation of children under IDEA. In this bill today, we will vote to remove this restriction.

Let me state for the record, I believe a yes vote will reward trial attorneys with millions of additional dollars at the expense of the special education needs and programs for the children of the District of Columbia. Moreover, we were informed by the District that many of these fees were excessive. Before the caps, an attorney made $1.4 million in fees in 1 year suing the District of Columbia schools. Another law firm billed over $5 million in a single year to the District of Columbia schools. Submission of a variety of questionable expenses, including flowers, ski trips, and even a trip to New Orleans ostensibly made to scout out private schools far from the District that might be able to accommodate special needs students.

The reason we put reasonable caps on these attorneys fees is so the money will go into education. This cap was, and continues to be reasonable. An average citizen working 40 hour weeks would earn $300,000 a year, a rate which is entirely adequate, even in the District of Columbia. Our goal and our achievement since 1998 was to help the District of Columbia schools and children. In this effort we have been eminently successful.

Since we instituted the cap the city has spent about $3.5 million per year in attorney's fees. This has resulted in savings of $10 million a year to continue the good works of the District's Special Education services. The DCPS has used this money to hire new special education attorneys and create special education programs to help the children of the district.

Specifically DCPS has: Created almost 1,000 new placements within the public schools for special education students; arranged for the funding of 1,614 additional placements through the Weighted Student Formula for the 2001–2002 school year; reduced the number of children awaiting initial assessments from over 2,000 to less than 200; reduced the backlog of hearing requests from 900 to 20; facilitated understanding and communication through the development of several concise well-written documents detailing the special education process and published proposed revisions in municipal regulation in support of the special education process; held two citywide Child Find fairs, which are state level functions that had not been conducted for nearly five years. These fairs provide for developmental screening in order to identify children who have specific learning disorders; held training for new teachers and veteran teachers to assist them in the use of the automated SETS database that is the backbone of the delivery of services to children with special needs; participated in a yearlong Continuous Improvement Monitoring Process with the Department of Education's Office of Special Education Programs with the support of 14 schools; implemented the proven effective Fast Forward and Failure Free Reading programs to promote reading among children who are at risk of being non-readers; and made monthly training available for new teachers to increase their understanding of the special education process and held systemwide training to expand the awareness of special education.

DCPS has done all this with money that would have gone to trial lawyers instead of these good programs and opportunities. I would challenge anyone opposed to this cap to explain to me how cutting these programs will help special education children; how spending millions more for attorneys will help our teachers educate our children.

Opponents to this cap contend that this provision keeps children from being represented. However, no one has ever shown evidence that any child in D.C. is not receiving adequate, quality representation. Furthermore, I

would question the values of any trial lawyer who is unwilling to represent a child in a special education proceeding because they would only be paid $300,000 a year. That is the real issue. The lawyers are here telling us that if we don't allow them unlimited expenses and fees, paid for directly from the District's budget they will not continue to represent the children of the district. This callous position is beyond my comprehension, and I cannot in good conscience support a bill which endorses it.

That these trial lawyers could look into the face of parents of a special needs child and turn them away from service because the lawyer can not take more than $150 an hour from the District Public School budget is appalling. That is the position we vote for today my friends. That is the position taken by the conference. The only people who were hurt by the cap were the trial lawyers who charged millions to the school district. The only people helped are the children, the schoolteachers, the principals, the Superintendent, the parents and ultimately the people of the District of Columbia.

Because we will not protect those teachers and children from the trial lawyers, I can not support this bill. Next year, we will revisit the issue and I hope, no I pray, that we have not irreparably harmed the special education children and programs in the District of Columbia Public Schools.

Mr. FATTAH. Mr. Speaker, I yield 5 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding time to me. I would like to thank those who have contributed to the bill.

I thank the chairman of the full committee, the gentleman from Florida (Mr. YOUNG) for his great patience and efforts every single year to get my bill through here. He has been extraordinary in understanding that this is a city we are working with.

I thank our ranking member, the gentleman from Wisconsin (Mr. OBEY), who not only does his appropriation work to a fare-thee-well, but never forgets to have respect for self-government and the right of D.C. residents to vote.

I want to especially thank this year's chairman, the gentleman from Michigan (Mr. KNOLLENBERG), for the wonderfully cooperative and collegial spirit he has given to our work; his strong interest in the city; the way he has immersed himself in the issues of the city and in the facts and programs of the city.

I am particularly grateful to the ranking member, the gentleman from Pennsylvania (Mr. FATTAH), who is a member known for his mastery of complex urban issues, especially finances and schools. We felt particularly lucky to have the gentleman from Pennsylvania (Mr. FATTAH) as the ranking member, inasmuch as he led his own city, Philadelphia, through precisely the kind of recovery we have had to go through. He was an architect of the control board there in the reconstruction of his own city, Philadelphia. He has an instinctive and encyclopedic understanding of cities in general, and of the District in particular. We feel very lucky to have him here.

Before I proceed, if I could have Members' indulgence for my remarks on this budget, I feel compelled to put on the RECORD what we are going through, and to indicate the great pain this House has put my city through this year and puts us through every year.

For those here for the first time, I always warn them they may feel like they are going through an out-of-body experience. Many have come out of State legislature and now somebody is telling them to look at the budget of what amounts to a State, somebody else's budget; to ask them to vote on a local budget. It is beneath them, it really is. I am going to ask Members to vote for it and try to understand that that is what the Congress makes us do.

But I want to tell this House that it is almost Christmas, and the District of Columbia has not been able to spend a single cent of its budget because this House has just gotten around to spending its money. I wonder how many would be left standing if their State, and this is the functional equivalent of a State, could not spend any of its money for 3 months into the budget year? I ask Members to put themselves, for a change, into the position of the city I represent.

With all of the plaudits I want to offer today, I want to take the time, because I have a remedy for this and it is important for me to put this on the RECORD. It happens year after year. This is just the worst of it, because it is Christmas. On October 1 we should have had a budget, and it should have been before then. We passed the budget in June.

I have a way to correct this, Mr. Chairman. It is a budget autonomy bill that would still let this House put all their attachments on it, do all the things to the District that they will not let anybody do to their districts; but at least they would say, when the District passes its budget, as much of it as they pass, that they can now go ahead and spend their own money.

These people cannot even forecast. They make mistakes all the time because their budget has to be done 18 months ahead of everybody else's budget. D.C. is terribly handicapped this year because there has been a war, and so other cities, our neighboring cities, Maryland and Virginia, are now in the process of taking the surplus; and we have a bigger surplus than Maryland or Virginia, and using it to shore up the deficits that have been created by the recession, problems that have come up unexpectedly because of September 11.

Do Members know what happened to the surplus of the District of Columbia? It falls to the bottom line because the District of Columbia is treated like a Federal agency. We let it fall to the bottom of the line of a Federal agency because it goes back into the Federal Treasury.

There is no reason not to let people who have been prudent in using their own money, saving their money, use their money in time of emergency. That is the demeaning position in which Members put the city that I happen to represent. Members must free us from this problem. Let us take care of ourselves by using our own money.

Mr. Speaker, I have a bill for budget autonomy which still lets Members put their own bills in and change the budget of the District of Columbia, but it would let us spend our own money when our own budget is passed. I have a budget autonomy bill, and I am going to beg this House to next year pass that bill.

I want to say to the gentlewoman from Maryland (Mrs. MORELLA), the Republican co-chair of my committee, how much I appreciate the principal things she has done in cosponsoring that bill with me.

Mr. Speaker, to move on to the budget itself, this is such a significant budget for the District of Columbia. It is the first budget on its own without a control board. Yet, in very many ways, it is the most successful in many years. Less contentious. We have had disputes here and there. We have all found ways to settle them like ladies and gentlemen.

I want to focus on just three issues, among the dozens in this bill:

First is the way in which the committee has allowed the budget numbers put forward by the District of Columbia to be the budget for the District of Columbia. I want to thank this Congress for the funds for a new Family Court Division, and I want to have a brief discussion on breakthroughs in and unacceptable home rule losses.

First, let me thank the committee for making sure that the District's own budget numbers became the budget numbers in this bill. The Congress has no expertise to deal with the budget priorities in anybody else's bill. There were some concerns at first about how the District and the mayor had agreed to certain kinds of attachments to the budget.

When all was said and done, people finally understood: It is not for us to say. If the Mayor and the City Council have agreed, let the Mayor and the City Council do their own budget, as long as it is balanced.

Second, let me go to the family court. There is $24 million in extra money in this bill for the first revision of D.C.'s Family Court Division in 30 years. I am the coauthor of the authorizing bill, with the gentleman from Texas (Mr. DELAY).

I want to thank him for working with me on the bill. He and I had many disputes, but we simply worked them out. But I think he deserves great praise today, because that additional $24 million would not be in this bill if the gentleman from Texas (Mr. DELAY) had not gotten the extra money to put in this bill.

I want to thank him both for his coauthorship of the bill and for working to get the money in the bill. That, of

course, is important, because we have read about the great problems we have with foster care; typical of foster care problems around the country, but we know about them in the District of Columbia.

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The District, of course, appreciates the $16 million for emergency preparedness in this bill. That is an important start. But for all the help those funds bring, I do want to remind this House that you have understood that you should give extra money to the Capitol Police because they are first responders of a kind. But I want to remind the Congress that you really have only one first responder. You have only one fire department and you have one big city police department. That is the District of Columbia. We have very little money in the House bill.

The District is vastly underprepared for any emergency in the District of Columbia that involves the Federal presence. But I want to remind you that your first responder for this House, for this Capitol, for the White House, and for the entire Federal presence is the District of Columbia first responders. And while I appreciate the start we have with the $16 million, this is money that is urgently needed if you are serious about emergency preparedness.

Finally, Mr. Speaker, I must speak about an important breakthrough and unacceptable attachments on this bill. This is a huge breakthrough in this bill with the commonsense decision of 41 Republicans to join Democrats in allowing the District to use its own funds for implementing its own domestic partnership bill. I want to thank my friends on both sides of the aisle for this expression of bipartisanship.

The limited and moderated legislation allows partners to sign on to the city's health plan of the partner, at the full expense of the partner, with no public expense. It is especially important to mention it this year because it is compassionate and necessary at a time when there are there are already 40 million people without health insurance, many being added as I speak, of course, because there are such a large number of people with AIDS and with infections climbing every day.

Having praised the House for that wonderful breakthrough, let me speak about two unacceptable losses.

I appreciate that we have eliminated some of the busy work for police on the needle exchange private program in the District. But barring the city from spending its own money to keep AIDS from being transmitted throughout the community, especially where it is growing most, among women and children, is the functional equivalent of a death sentence, and this House ought to understand it. It adds to the incursion into our business the notion of a life-and-death issue, and it shows that the House is refusing to value the human life involved, even though every reputable scientific authority has advised and 115 localities have indeed allowed these programs.

I just put the House on notice, I will simply not give up until we are allowed to use our own money to save the lives of our own residents the way other Americans are.

Finally, we have done something in this bill that we should be especially ashamed of. We have said, look, D.C., you can spend your own money on lobbying anything you want to lobby on. You want to lobby on some more money for this or some more money for that, go ahead. But you do not spend one red dime to lobby for your own rights. Not a dime to lobby for statehood and not a dime to lobby for voting rights.

My friend, this Congress has just failed, at least this House has, the test of credibility of all that rhetoric of the past few months on the fight for freedom; and a way of life central to our way of life, surely central to our freedom, is full voting representation in the Congress for all taxpaying Americans and full democracy and equal treatment as that of other States. Be on notice of that one, too. We will not rest until the ban on spending our own money raised from our own taxpayers to pursue our own rights is lifted.

With that I want to thank both the chairman and the ranking member for their long and great patience until we finally arrived here to the best bill in many years.

Mr. KNOLLENBERG. Mr. Speaker, I yield 2½ minutes to the gentleman from Virginia (Mr. TOM DAVIS) a member of the authorizing committee.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise in support of the conference report. Let me just say I want to thank the gentleman from Michigan (Mr. KNOLLENBERG), the chairman of the full committee. I think he has done a very good job in shepherding this through the House and through a long conference.

For the record, it is sad that the city has had to wait until December to get their appropriations. It should not have to work that way. This body passed the bill September 25. We were ready to go to conference the next day. It was the Senate, the other body, that held up this legislation and has kept this long-protracted discourse before we could reach agreement on the conference report.

I would also remind my colleagues that just about 3 or 4 years ago, we passed a D.C. Revitalization Act. This was part of the Balanced Budget Act. In that, as we were putting that together, we offered the city the opportunity to do away with the annual appropriations for the city. In place of that, we replaced the city's responsibilities for felony prisoners, for the court system, and took care of what had been longstanding obligations that they owed in other areas, over a billion dollars in some cases; and in place of that, to do away with the annual appropriations.

In taking care of the fastest growing part of the budget and basically moving those responsibilities to the Federal Government, we felt you would not need the annual appropriations. But the city understandably was reluctant to part with that because they knew there would come a time that they would need additional Federal dollars and did not want to do the annual appropriations.

The gentlewoman from the District of Columbias' (Ms. NORTON) object here is a noble cause, and we ought to look very closely at how we can do that. Every other city in America, when they pass their budget it goes right into operation, and if the Congress has a problem with it we can step forward and say we have a problem with it. But under this protracted procedure, we end up ironically hurting a city that has a limited tax base as it is.

This legislation is pretty good. It fully funds the D.C. Scholarship Act. This allows city residents to go to State universities at in-State tuition costs, and get the same kind of deal that people in other States get. I think this is very important for the city.

The gentlewoman from the District of Columbia (Ms. NORTON) said the District of Columbia Juvenile Court revisions are very, very important. We have worked long and hard together to bring that. I think, by and large, this goes further in respecting District of Columbia home rule than many other appropriations bills that have come before this body.

If we want democracy in this city to succeed, however, we should not continue to second-guess the mayor and the council. I disagree with some of the things that the council has done, as I do with things my home city council and county board of supervisors do. But if we want democracy to flourish, we have to give them the responsibility; and that means not constantly looking over their back. I urge adoption of this.

Mr. FATTAH. Mr. Speaker, I yield myself 30 seconds.

I thank the gentleman for his comments. The issue of budget autonomy is one that I support, and I am the cosponsor of the bill, but it is also a matter of having the city be able to reach the revenues that are here. The city is prohibited from taxing sales that happen on Federal property. It cannot go after suburbanites who earn wages in the city, because we prohibit the city from, as other cities, mine and others are able, to attach those wage earners.

So if we are going to talk about the fact that the city has a limited tax base, we need to understand why it is limited. It is limited because of our own actions.

Mr. KNOLLENBERG. Mr. Speaker, I yield 3½ minutes to the gentlewoman from Maryland (Mrs. MORELLA), who is the chairman of the authorizing committee.

Mrs. MORELLA. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I want to preface my comments by thanking the chairman, the gentleman from Michigan (Mr. KNOLLENBERG) and the ranking member, the gentleman from Pennsylvania (Mr. FATTAH) and the D.C. appropriations subcommittee staff, as well as Senator MARY LANDRIEU and the Senate staff who worked tirelessly and in a very open manner in developing this year's appropriations bill for the District of Columbia.

This budget marks a turning point for the District. It is the first budget approved by Congress since the District of Columbia Financial Responsibility and Management Assistance Authority, known as the Control Board, ended its tenure. And it is truly a home rule budget as it protects many of the spending priorities of Mayor Williams and the city council.

The appropriators have done an admirable job in providing responsible oversight while generally resisting the urge to micromanage the city government.

Next year we hope to take this a step further as the gentlewoman from the District of Columbia (Ms. NORTON) and I will continue to push our bill to return a local autonomy budget all to the city. The District of Columbia should not have to wait until December to have its budget passed by Congress. That bill would also safeguard the powers of the chief financial office, and I want to thank the gentleman from Michigan (Mr. KNOLLENBERG) and the ranking member, the gentleman from Pennsylvania (Mr. FATTAH) for including in this conference report a temporary extension of the CFO's powers until July 1. That would give us all the more time to ensure that the CFO does not become a paper tiger.

The bill provides $17 million for the very successful District of Columbia tuition access program which gives District of Columbia students the opportunity to get a high-quality university education at virtually any public university in the United States. I am also happy that the legislation allows for the first time the District of Columbia to use its own money on domestic partners for benefits on city government employees.

The bill reserves more than $24 million to reform the city's Family Court and Child and Family Services Agency, an effort that many of us who care about the city's children have worked on long and hard.

Let me point out a few other highlights: $16 million to improve emergency preparedness; $2.5 million for the innovative literacy programs in the District of Columbia schools; $2 million for Foods and Friends charity; $2 million for the expansion of St. Coletta's, which does such wonderful work training mentally retarded and disabled youngsters and adults; $500,000 to promote high-tech education at the city's Southeastern University; and 300,000 toward the newly constituted Criminal Justice Coordinated Council, which will foster cooperation among the various Federal and local criminal justice agencies that operate in the district.

Finally, the appropriations bill greatly reduces the amount of money the District government must hold in reserve from $120 million in fiscal year 2002 to $70 million in fiscal year 2003. This is a great leap forward because it will allow the city to use more of its money for providing services to its citizens.

Overall, this is a good appropriations bill. The gentleman from Michigan (Mr. KNOLLENBERG), when he took the reins, said he wanted to come up with as clean a bill as possible. He has come very close to that. He made clear that he wanted to produce a clean budget, devoid of the many troublesome riders that have so disturbed city residents in the past. He and the committee have accomplished that to a remarkable degree, and I think this is a budget bill we can all be proud of. I urge a favorable vote.

Mr. FATTAH. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. OLVER).

Mr. OLVER. Mr. Speaker, I rise in opposition to the conference report.

Mr. Speaker, I want to thank Chairman KNOLLENBERG and Ranking Member FATTAH for their hard work on this bill, they have given us the best bill in years. However, while the bill is greatly improved I cannot in good conscience support the gratuitous and mean spirited restrictions in continues to impose on taxpayers of our nation's capitol.

Over 94% of the budget that we're voting on today is City tax revenue locally raised. It's one thing for Members to decry the use of their constituents' tax dollars for purposes they find distasteful, but to subject local DC taxpayers to the politics of far flung districts is simply disgraceful.

What's worse is that the people who we are pushing around in this bill, don't have a vote in this House and under this bill they cannot use even their own locally raised taxes to promote their right to representation in this House.

I am particularly concerned about the rider forbidding the use of local funds for needle exchanges. Washington has the highest rate of HIV/AIDS in the nation. Approximately one-third of reported AIDS cases occurred among injection drug users, their sexual partners and children.

Former Surgeon General, C. Everett Koop, former Secretary of Health and Human Services, Donna Shalala, the CDC, and the AMA are among the individuals and organizations that have endorsed needle exchange as an effective strategy to fight the spread of HIV/AIDS.

Needle exchanges exist all over this country and nobody is suggesting that we alter federal law to forbid them. We are attacking one city's—our Capital city's—efforts to reduce the spread of AIDS and leaving cities in the rest of the country to do what they think is right and effective in fighting that health epidemic.

I cannot support the continuation of this policy, in spite of the progress we have made in the rest of the bill.

I again thank the Chairman and Ranking Member for their hard work but I am voting no on this conference report.

Mr. FATTAH. Mr. Speaker, again I want to thank all who have been involved, but mainly the chairman of the subcommittee.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. KNOLLENBERG. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will close with a very quick comment. This conference report is a good bipartisan bill that reflects all the priorities that the ranking member and I worked together to make sure that were in the bill. It fully funds every penny of the city's budget. It ensures that all Federal obligations are met.

I would just say that, having been the chairman of this committee, it has been a great experience particularly in terms of the city. The response I have gotten from the folks that run this city, the leadership, the residents, they have all been very kind to me in helping me develop this legislation and helping us bring about what I believe is a good bill.

Mr. WELDON of Florida. Mr. Speaker, the bill before us includes a $2 million earmark for an organization whose Executive Director, according to the attached Washington Post article, was sentenced in 1995 for taking over $4,000 from the Jewish Community Center of Greater Washington. He was given a suspended five year prison sentence and ordered to perform several hundred hours of community service. He now draws an annual salary of $183,000 from Food and Friends, an organization that is supposed to be spending its money providing meals to those suffering from HIV/AIDS.

I am very concerned about the $2 million earmark of taxpayer money. This special $2 million carve out is for this one organization, and is not subject to competition. No other groups, including groups who may offer much better services or who may be much more efficient, were not allowed an opportunity to compete for these funds. There will also be little oversight and accountability of how this organization spends these funds.

This special $2 million earmark was not requested by the city of the District of Columbia and it was not in the President's budget request. There will be little if any oversight of how this $2 million will be spent. I believe this is an inappropriate earmark and am troubled by it's inclusion. I was deeply disappointed that the Senate, even after being made aware of these concerns, decided to go along with putting this in the final bill. I had hoped that they would have allowed a competition for these funds, rather than earmarking them for one organization.

I have also included a letter from a local AIDS advocacy organization in Washington that has expressed opposition to this special earmark of fund.

AIDS COALITION
TO UNLEASH POWER,
Washington, DC, November 12, 2001.

DISTRICT OF COLUMBIA APPROPRIATIONS CONFERENCE COMMITTEE,
U.S. Capitol,
Washington, DC.

DEAR CONFERENCE COMMITTEE MEMBERS: As a non-partisan HIV/AIDS advocacy organization, ACT UP Washington, DC has long

fought for greater accountability in federal HIV/AIDS spending. During the past several years, we have tracked mounting incidences of waste, fraud and abuse of hard fought for taxpayer dollars intended to combat HIV/AIDS, so that similar transgressions never occur again.

These efforts, thanks to the support of former Representative Dr. Tom Coburn, and Senators Charles Grassley and Max Baucus, have led to a commitment from the newly confirmed Inspector General for the Department of Health and Human Services to conduct audits of programs funded by the Ryan White CARE Act. Senator Sessions has added his leadership by calling for further federal auditing of HIV prevention programs in the pending Labor-HHS Appropriations Bill.

We hope you agree that accountability, and oversight at the local and federal levels are crucial components to insure that federal dollars to alleviate the suffering of HIV/AIDS patients are spent wisely and effectively. For this reason, we have deepening concerns over the $2 million included in the Chairman's mark to the DC Appropriations Bill, earmarked for a DC AIDS charity, Food and Friends.

Unlike other appropriations for DC area AIDS service organizations allocated through competitive grants, this earmark was never subject to the same, open process whereby spending priorities are determined through the input and needs of the community. This sets a terrible precedent, whereby dozens, if not hundreds of other local charities will now turn to Congress for their individual funding needs. Furthermore, as a direct payment, this $2 million is not subject to appropriate local and federal oversight authorities.

We therefore urge you to agree with the Senate DC Appropriations Bill, and delete the $2 million earmark from the final version.

This is not to, in any way, disparage the important services provided by Food and Friends, and the dedication of its volunteers. It is worth noting, however, that the current Executive Director of Food and Friends, Craig Shniderman, was involved in an embezzlement scandal with his previous employers at the Montgomery County Jewish Community Center. Enclosed you will find the Washington Post article from October 1995, in which Mr. Schniderman pleads guilty on a charge of misappropriation of funds.

It is, of course, encouraging to see ex-offenders like Mr. Shniderman turn their lives around. According to Food and Friends 990 tax forms for FY 2000 (available online at www.guidestar.com), he earned $183,000.

However, given the Executive Director's criminal record, the lack of oversight or accountability, and no public input into the allocation of these funds, it seems the wisest choice for Congress would be to delete the $2 million earmark in the final version of the DC Appropriations Bill.

Thank you for your consideration.

WAYNE TURNER.

Enclosure.

[From the Washington Post, Oct. 2, 1995]

EX-AGENCY HEAD SENTENCED IN THEFT FROM JEWISH CENTER

The former head of Montgomery County's Jewish Social Services Agency has been ordered to serve six months of home detention and 18 months of probation for taking nearly $4,000 from the Jewish Community Center of Greater Washington.

Former social services agency executive director Craig M. Schniderman was charged with taking items from the Rockville JCC gift shop from 1987 to 1993 and allowing the agency to be billed for phony consulting services.

The community center's former executive director, Lester I. Kaplan, and three other JCC officials were ousted last summer and accused of looting their agency of nearly $1 million as it was struggling to provide services for elderly and disabled members.

Kaplan pleaded guilty last month to seven counts, including theft and compiracy, and is scheduled to be sentenced today.

Shniderman, who officials said was not aware of the embezzlement scheme at the neighboring agency, pleaded guilty Wednesday to a single count of misappropriation by a fiduciary. He was given a suspended five-year prison term by Circuit Court Judge Ann S. Harrington and ordered to perform 200 hours of community service.

Ms. DELAURO. Mr. Speaker, I rise in support of this bill because it strengthens programs that serve the residents and workers of the District of Columbia. The residents of the District deserve to have control over their local government and this bill takes the first steps in returning authority to the residents and elected officials of the District.

This bill represents an improvement in the District of Columbia Appropriations bill over past years. It contains important resources for the city's health care system, brownfield remediation and local road repairs. It finally grants the District the autonomy to use its own funds to provide health benefits for domestic partners and improve access to health care services for District residents.

However, Mr. Speaker, I am concerned because this bill does not allow the District to use its own funds for one of its highest public health priorities—the needle exchange program—to reduce the spread of HIV and AIDS.

The needle exchange program has been endorsed by the Mayor of the District but for the past year the District has been prohibited from using local funds to implement it. Not only does this infringe on local autonomy, but it reduces access to a truly life-saving program.

There have been several government reviews and hundreds of scientific studies all demonstrating that needle exchange programs are effective in reducing HIV transmission and do not encourage drug use. The American Medical Association, the American Public Health Association, and other medical associations have all called for government support of needle exchange programs. My own hometown of New Haven has a needle exchange program that has proven to be highly successful in reducing the transmission of HIV/AIDS without increasing the number of drug users.

The District of Columbia has the highest rate of HIV/AIDS in the nation and it must be able to pursue an aggressive, targeted program. Currently, the District is the only city in the nation barred by federal law from investing its own locally raised tax dollars to support needle exchange programs.

To continue to impair the District's ability to carry out a responsible HIV prevention program flies in the face of sound public health policy. Local health departments must be free to determine which public health interventions will best address their local problems—including the District of Columbia. We cannot afford to turn our backs on something that can help us beat the AIDS epidemic.

Mr. KNOLLENBERG. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. RYAN of Wisconsin). Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—ayes 302, noes 84, not voting 47, as follows:

[Roll No. 482]

YEAS—302

Abercrombie	DeLauro	Jackson-Lee (TX)
Aderholt	DeLay	Jefferson
Allen	Deutsch	Jenkins
Andrews	Diaz-Balart	John
Baca	Dicks	Johnson (CT)
Bachus	Dingell	Johnson (IL)
Baird	Doggett	Johnson, E. B.
Baldacci	Dooley	Jones (OH)
Baldwin	Doolittle	Kanjorski
Ballenger	Doyle	Kaptur
Barcia	Dreier	Kennedy (RI)
Barrett	Dunn	Kildee
Bass	Edwards	Kind (WI)
Becerra	Ehlers	King (NY)
Bentsen	Ehrlich	Kirk
Berkley	Engel	Kleczka
Berman	English	Knollenberg
Biggert	Eshoo	Kolbe
Bilirakis	Etheridge	Kucinich
Bishop	Evans	LaFalce
Blagojevich	Farr	Lampson
Blumenauer	Fattah	Langevin
Boehlert	Ferguson	Lantos
Boehner	Filner	Larsen (WA)
Bonilla	Fletcher	Larson (CT)
Bono	Foley	Latham
Borski	Ford	LaTourette
Boswell	Frank	Leach
Boucher	Frelinghuysen	Lee
Boyd	Ganske	Levin
Brady (PA)	Gekas	Lewis (CA)
Brown (FL)	Gibbons	Lewis (GA)
Brown (OH)	Gilchrest	Lewis (KY)
Brown (SC)	Gillmor	Linder
Burr	Gilman	Lipinski
Burton	Gonzalez	LoBiondo
Buyer	Gordon	Lowey
Callahan	Graham	Lucas (OK)
Calvert	Granger	Luther
Camp	Greenwood	Lynch
Cantor	Grucci	Maloney (CT)
Capito	Gutierrez	Maloney (NY)
Capps	Gutknecht	Markey
Capuano	Hall (OH)	Mascara
Cardin	Harman	Matheson
Carson (IN)	Hart	Matsui
Carson (OK)	Hastings (FL)	McCollum
Castle	Hill	McCrery
Chambliss	Hilliard	McDermott
Clay	Hinchey	McGovern
Clayton	Hinojosa	McIntyre
Clement	Hobson	McKeon
Clyburn	Hoeffel	McKinney
Collins	Holden	Meehan
Condit	Holt	Meeks (NY)
Conyers	Honda	Menendez
Cooksey	Hooley	Mica
Cramer	Horn	Millender-McDonald
Crenshaw	Houghton	Miller, Dan
Crowley	Hoyer	Miller, George
Cummings	Hulshof	Mink
Davis (CA)	Hunter	Mollohan
Davis (FL)	Hyde	Moran (VA)
Davis (IL)	Inslee	Morella
Davis, Tom	Isakson	Myrick
DeFazio	Issa	Nadler
DeGette	Istook	
Delahunt	Jackson (IL)	

Napolitano	Rothman	Tauzin
Nethercutt	Roybal-Allard	Terry
Ney	Rush	Thomas
Northup	Sabo	Thompson (CA)
Nussle	Sanchez	Thompson (MS)
Oberstar	Sanders	Thurman
Ortiz	Sandlin	Tierney
Osborne	Sawyer	Toomey
Ose	Saxton	Towns
Owens	Schakowsky	Traficant
Pallone	Schiff	Udall (CO)
Pascrell	Schrock	Udall (NM)
Pastor	Scott	Velazquez
Payne	Serrano	Visclosky
Pelosi	Shaw	Vitter
Peterson (PA)	Shays	Walden
Phelps	Sherman	Walsh
Pombo	Sherwood	Waters
Pomeroy	Simmons	Watson (CA)
Portman	Simpson	Watt (NC)
Price (NC)	Skeen	Watts (OK)
Pryce (OH)	Skelton	Waxman
Putnam	Slaughter	Weiner
Radanovich	Smith (TX)	Weldon (PA)
Rahall	Snyder	Wexler
Rangel	Solis	Wicker
Regula	Souder	Wilson
Rehberg	Spratt	Wolf
Reyes	Stark	Woolsey
Reynolds	Stupak	Wu
Rivers	Sununu	Wynn
Rogers (KY)	Sweeney	Young (FL)
Ros-Lehtinen	Tanner	
Ross	Tauscher	

NAYS—84

Akin	Hayes	Ramstad
Barr	Hayworth	Roemer
Bartlett	Hefley	Rohrabacher
Berry	Herger	Royce
Blunt	Hilleary	Ryan (WI)
Boozman	Hoekstra	Ryun (KS)
Brady (TX)	Israel	Schaffer
Bryant	Johnson, Sam	Sensenbrenner
Chabot	Jones (NC)	Shadegg
Coble	Keller	Shimkus
Combest	Kennedy (MN)	Shows
Cox	Kerns	Shuster
Crane	Kilpatrick	Smith (NJ)
Culberson	LaHood	Stearns
Cunningham	Lucas (KY)	Stenholm
Davis, Jo Ann	Manzullo	Strickland
DeMint	Miller, Jeff	Stump
Duncan	Moore	Tancredo
Forbes	Moran (KS)	Taylor (MS)
Fossella	Norwood	Thornberry
Frost	Obey	Thune
Gephardt	Olver	Tiahrt
Goode	Otter	Turner
Goodlatte	Paul	Upton
Goss	Peterson (MN)	Wamp
Graves	Petri	Weldon (FL)
Green (WI)	Pickering	Weller
Hansen	Platts	Whitfield

NOT VOTING—47

Ackerman	Hall (TX)	Oxley
Armey	Hastings (WA)	Pence
Baker	Hostettler	Pitts
Barton	Kelly	Quinn
Bereuter	Kingston	Riley
Bonior	Largent	Rodriguez
Cannon	Lofgren	Rogers (MI)
Costello	McCarthy (MO)	Roukema
Coyne	McCarthy (NY)	Sessions
Cubin	McHugh	Smith (MI)
Deal	McInnis	Smith (WA)
Emerson	McNulty	Taylor (NC)
Everett	Meek (FL)	Tiberi
Flake	Miller, Gary	Watkins (OK)
Gallegly	Murtha	Young (AK)
Green (TX)	Neal	

□ 1737

Messrs. RYAN of Wisconsin, GOODLATTE, PICKERING, and TURNER changed their vote from ''yea'' to ''nay.''

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. MCCARTHY of New York. Mr. Speaker, for personal reasons I was unable to cast my vote for the District of Columbia Appropriations Conference Report (H.R. 2944). Had I been present, I would have voted ''yea''.

Stated against:

Ms. MCCARTHY of Missouri. Mr. Speaker, during rollcall vote No. 482, D.C. Conference Report FY '02 Approprations. I was unavoidably detained. Had I been present, I would have voted ''nay.''

GENERAL LEAVE

Mr. KNOLLENBERG. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3005.

The SPEAKER pro tempore (Mr. RYAN of Wisconsin). Is there objection to the request of the gentleman from Michigan?

There was no objection.

LEGISLATIVE PROGRAM

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, I rise to inquire about next week's schedule.

Mr. GOSS. Mr. Speaker, will the gentlewoman yield?

Ms. DELAURO. I yield to the gentleman from Florida.

Mr. GOSS. I thank the gentlewoman from Connecticut for yielding, and I am pleased to announce, Mr. Speaker, that the House has completed its legislative business for the week. The majority leader has announced the following legislative program for next week:

The House will next meet for legislative business on Tuesday, December 11, at 12:30 p.m. for morning hour and at 2 p.m. for legislative business. The House will consider a number of measures under suspension of the rules, a list of which will be distributed to Members' offices tomorrow. On Tuesday, no recorded votes are expected before 6:30 p.m.

On Wednesday and the balance of the week, the House will consider H.R. 3129, the Customs Border Security Act of 2001, subject to a rule. We are also hopeful to be ready to consider the Education conference report, the Intelligence Authorization conference report, the Labor-HHS Appropriations Conference Report, and broadband legislation, all next week.

And I thank the gentlewoman for yielding.

Ms. DELAURO. Reclaiming my time, Mr. Speaker, if I might ask the gentleman one or two questions about the schedule for next week.

And I thank the gentle woman for yielding.

Do we anticipate that election reform legislation would be coming to the floor next week?

Mr. GOSS. If the gentlewoman will continue to yield.

Ms. DELAURO. I yield to the gentleman.

Mr. GOSS. I would be pleased to inform her that, as far as I know, the committee of jurisdiction, the Committee on the Judiciary, still has that under consideration and we have not been advised whether it in fact will be ready for next week.

Ms. DELAURO. So we do not believe it will be ready for next week.

Mr. GOSS. We do not know at this point.

Ms. DELAURO. Can we qualify it further?

Mr. GOSS. So far.

Ms. DELAURO. So far. Okay.

Do we anticipate that there will be votes on Friday or into the weekend?

Mr. GOSS. It is my understanding at this time, if the gentlewoman will continue to yield, that there is a strong possibility of votes on Friday and, if the business is not completed by Friday evening, that the intention is that we might well have to continue on into the weekend.

Ms. DELAURO. And if we continue on, is that an indication that we would try to finish before the end of the weekend, or stay until we are finished with business through some time next weekend or the following week?

Mr. GOSS. If the gentlewoman will continue to yield.

Ms. DELAURO. I do continue to yield.

Mr. GOSS. It would be my fondest wish to be able to give a date certain to the gentlewoman from Connecticut. The best I can say is that it is the intention to finish up by the end of next week. Whether or not that will be possible, we do not know. Clearly, when we start out with a good intention, it enhances the possibility that we will succeed at that good intention. But Members need to know we may in fact be working through next week, and then plan accordingly.

Ms. DELAURO. Through the weekend. And a final question. On which day do you expect the broadband legislation to come to the floor of the House?

Mr. GOSS. If the gentlewoman will continue to yield, I understand two committees of jurisdiction are still putting some final touches on that, and that that will be announced next week, early on in the week, as far as I know.

Ms. DELAURO. So we can anticipate that it would be at the beginning? We come back in on Tuesday night; so Wednesday, Thursday?

Mr. GOSS. It is unlikely that that legislation would show up before Wednesday.

Ms. DELAURO. Meaning that we will not be here before Wednesday. I thank the gentleman.

Mr. GOSS. I hope the gentlewoman will be here before Wednesday, because there will be votes Tuesday night at 6:30.

Ms. DELAURO. I understand. So it will not be Tuesday night.

ADJOURNMENT TO MONDAY, DECEMBER 10, 2001

Mr. GOSS. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

HOUR OF MEETING ON TUESDAY, DECEMBER 11, 2001

Mr. GOSS. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, December 10, 2001, it adjourn to meet at 12:30 p.m. on Tuesday, December 11, 2001, for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. GOSS. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

COMMUNICATION FROM THE HONORABLE RICHARD A. GEPHARDT, DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable RICHARD A. GEPHARDT, Democratic Leader:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, December 4, 2001.

The Hon. J. DENNIS HASTERT,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to section 3(b) of the Public Safety Officer Medal of Valor Act of 2001 (P.L. 107–12), I hereby appoint the following people to the Medal of Valor Review Board:

Mr. Oliver ''Glenn'' Boyer—Hillsboro, MO.

Mr. Richard ''Smokey'' Dyer—Kansas City, MO.

Yours Very Truly,
RICHARD A. GEPHARDT.

WELCOME TO SOUTH FLORIDA RECEPTION IN HONOR OF DONNA SHALALA

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, tonight the Humane Society of Greater Miami is hosting a ''Welcome to South Florida'' reception. The event is being held to welcome University of Miami President Donna Shalala and her dog, Cheka, to south Florida.

President Shalala was the longest-serving Secretary for Health and Human Services in U.S. history. Before that, she served as Chancellor of the University of Wisconsin-Madison, the first woman to head a Big 10 university.

She is now at a new job that she loves, President of the University of Miami, a major and leading research university in the southeastern United States, located in my congressional district.

□ 1745

President Shalala says that Cheka ''speaks English and Spanish and is a perfect fit for south Florida, the Gateway of the Americas.''

We thank Kelly Grimm and the Humane Society of Greater Miami for their dedication to helping homeless animals, and Donna Shalala as president of the University of Miami.

ENACT INTERSTATE WASTE LEGISLATION

(Mrs. JO ANN DAVIS of Virginia asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I come to the floor this afternoon to call attention to yet another trash truck accident on Interstate 95. On Tuesday, a possibly overloaded 18-wheeler hauling trash almost snapped in half on the Woodrow Wilson Bridge because of its cargo shifting en route, and it consequently snarled Washington rush hour traffic for several hours and caused a 9-mile backup. Fortunately, it appears no one was hurt.

This incident is only a symptom of a larger problem. Specifically, millions of tons of garbage are being shipped across State lines without States having the right to limit its importation. It makes our highways less safe and fouls the land and air in the communities surrounding the landfills. It is a health and safety matter that Congress should empower States to regulate.

Currently, the hands of the States are tied. I urge the 107th Congress to enact meaningful interstate waste legislation that will enable States to protect their citizens and their environment from this continuous flood of out-of-state trash.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SCHROCK). Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. GEKAS) is recognized for 5 minutes.

(Mr. GEKAS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

(Mr. DAVIS of Illinois addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

HONOR THE FALLEN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Virginia (Mrs. JO ANN DAVIS) is recognized for 5 minutes.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, today I would like to pick up where I left off yesterday in reading the names and paying tribute to those who perished as a result of the attacks on September 11, 2001. The fallen deserve our recognition, our remembrance, and our respect. Reading these names cannot make up for the pain and the devastation that the families of the victims have experienced. But I hope that by reading these names, we will show that we honor the victims; we will not forget:

Francis Nazario; Marcus Neblett; Glenroy Neblett; Jerome O. Nedd; Laurence Nedell; Luke Nee; Pete Negron; Laurie Ann Neira; Yu Neixing; Peter A. Nelson; James Arthur Nelson; Ann Nicole Nelson; David William Nelson; Michelle Ann Nelson; Oscar Nesbitt; Gerard Terence Nevins; Renee Newell; Christopher Newton; Christopher Newton-Carter; Nancy Yuen Ngo; Khang Nguyen; Jodie Nicolos; Kathleen Nicosia; Alfonse Joseph Niedermeyer, III; Martin Stewart Nierderer; Frank John Niestadt, Jr.; Juan Nieves, Jr.; Gloria Nieves; Troy Nilsen; Paul R. Nimbley; Mark Nindy; John Ballantine Niven; Curtis Noel; Michael Allen Noeth; Daniel Robert Nolan; Robert Walter Noonan; Jacqueline Norton; Robert Norton; Daniela R. Notaro; Brian Novotny; Soichi Numata; Jose R. Nunez; Brian Nunez; Jeffrey Nussbaum; Timothy Michael O'Brien; Michael O'Brien; Scott J. O'Brien; James O'Brien; Daniel O'Callaghan; Keith Kevin O'Connor; Diana J. O'Connor; Dennis J. O'Connor, Jr.; Richard J. O'Connor; Marni Pont O'Doherty; Amy O'Doherty; James Andrew O'Grady; Thomas O'Hagan; William O'Keefe; Patrick J. O'Keefe; Leslie Thomas O'Keefe; Gerald O'Leary; Matthew Timothy O'Mahony; Seamus L. O'Neal.

Mr. Speaker, I will continue this effort when the House convenes next week, and I intend to read these names for as many days as it takes to bring honor and recognition to those individuals who lost their lives or are still missing. I invite my colleagues to join me in this effort.

CONGRATULATING BENTONVILLE HIGH SCHOOL TIGERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. BOOZMAN) is recognized for 5 minutes.

Mr. BOOZMAN. Mr. Speaker, I rise today to congratulate the Bentonville

High School Tigers on winning the 2001 Arkansas 5A football championship. The Tigers recently defeated El Dorado 23 to 16 to claim this honor after compiling a 12 to 1 record on the season and defeating two conference champions, including top-ranked Cabot High School en route to the State title.

Under the mentoring of head coach Gary Wear, the Tigers set a variety of school records and had a number of players named all-state and all-conference.

The Tigers' performance surprised many, including some folks in Bentonville itself, but it certainly did not surprise Coach Wear. He had his players in a winning mind-set from the start of the year and then worked hard to ensure that they maintained a positive attitude and work ethic that prepared them for the championship game last Saturday.

Mr. Speaker, I am delighted to see how this team's winning effort has brought the community of Bentonville together. I am very proud of these student athletes, their coaches, parents and supporters who worked so hard to achieve this goal.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

(Mr. FILNER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

HONOR MATTERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. SHOWS) is recognized for 5 minutes.

Mr. SHOWS. Mr. Speaker, on a recent Sunday afternoon I was driving to my mom and dad's home in Moselle. I have driven this road from Bassfield a thousand times. I passed our community's beautiful old cemetery, one I have driven by a thousand time.

On this Sunday, as always, I could see the grave of one of our Congressional Medal of Honor recipients, Roy Wheat, who fought in Vietnam. He was a hero and received the Congressional Medal of Honor. This is one of our highest honors and has been awarded only 3,455 times since the Civil War.

An old torn, faded, and battered American flag was flying at Roy's grave. I thought about his bravery. I thought about my father and his service in World War II. He was a Prisoner of War, and captured at the Battle of the Bulge. I thought about our veterans and military retirees and the men and women who are right now heroically standing down terrorism and defending our way of life.

Our flag has a way of making us think about it. Honor matters. Giving honor means providing great respect because of great worth and noble deeds done. I did not like seeing a faded, torn, and battered flag flying on Roy's grave. Honor matters.

Mr. Speaker, today I am introducing a bipartisan resolution to make sure we are properly honoring our war heroes. This resolution will make sure that our country's greatest military heroes, recipients of the Congressional Medal of Honor, are appropriately honored with the display of the American flag at their grave sites.

Currently flags are available for placement at grave sites of veterans cemeteries that are maintained by the Federal Government. But families of Congressional Medal of Honor winners who are privately buried do not have the assurance of always seeing the American flag at their grave sites.

This resolution simply states that the Secretary of Veterans Affairs should make American flags available to immediate family members of deceased Medal of Honor recipients, and to veterans' organizations and others responsible for maintaining these private grave sites.

Why? Because honor matters. It matters for those who have protected us as a memorial, and for those who do and will protect us as a reminder that their service is not in vain.

Our military is America's first line of defense from aggression and those who oppose freedom. Just like keeping our promise of health care, making sure the Montgomery GI bill is strong, and providing support for our current soldiers and those who have already served, this does matter.

If we do not honor our veterans and military retirees in both words and deeds, we dishonor their service. I will not ignore America's veterans and retirees. They have already given of themselves to us, and for that we owe them an incredible debt.

SIXTIETH ANNIVERSARY OF ATTACK ON PEARL HARBOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Guam (Mr. UNDERWOOD) is recognized for 5 minutes.

Mr. UNDERWOOD. Mr. Speaker, tomorrow, December 7, the people of the United States will take the time to remember the attack on Pearl Harbor, which occurred nearly 60 years ago. In ceremonies at Pearl Harbor and particularly at the USS Arizona Memorial, we will take the time to remember the attack on our country, and we will pay tribute to those who died during that fateful Sunday morning. Our tribute and our effort will be made more significant as we simultaneously reflect on the heinous attack on our people made nearly 3 months ago in New York City and at the Pentagon across the river from Washington, D.C.

On the same day that Pearl Harbor was attacked, an American territory was also attacked at Wake Island and the then Commonwealth of the Philippines and my home island of Guam. Guam endured some 32 months of a brutal enemy occupation in which my people were tested and proved their loyalty and steadfastness to the principles that make America great.

But that day was December 8, 1941, on the other side of the international dateline, and it is that day that brings back the thoughts of struggle and bravery and patriotism and sacrifice which marks the World War II experience of the people of Guam.

But there is another story which needs to be told and which links the attacks on Guam and Pearl Harbor in a unique way. The people of Guam were present at Pearl Harbor. The people of Guam fought at Pearl Harbor, and the people at Guam died at Pearl Harbor. We know of at least 12 American sailors who were from Guam and who perished during that fateful morning. Six were aboard the USS *Arizona* and their names are on the solemn Arizona Memorial alongside their shipmates. Their sacrifice and devotion to duty have never specifically been recognized, and I will do so this weekend in Honolulu with a solemn wreath-laying at the Arizona Memorial.

The 12 Chamorro men who perished have a unique story to tell. All were mess attendants. All were part of a military institution at the time which allowed Chamorro men from Guam to join the U.S. Navy only as officers' mess attendants, cooks and stewards. However, they were not bitter, and they performed their duties and responsibilities in an exemplary way. They were grateful for the opportunity to join because only a limited number of men were accepted from Guam annually into the Navy during the decade prior to World War II. This provided an opportunity for them to become U.S. citizens and the chance to prove themselves, their devotion to duty and sacrifices made more special because of the circumstances of their service. They were not yet American citizens, they were denied the opportunity to serve in a different capacity, and they were sometimes not given the respect which they deserved. Yet they proudly served; and they passed along their patriotism, love of service, and pride of island to succeeding generations.

It is no longer remarkable to see Chamorro men from Guam serve in the military in a wide variety of capacities. It is not even remarkable to see so many Chamorros today serving as officers who themselves are the children and the grandchildren of these mess attendants. In fact, the master of ceremonies for this weekend's ceremony is Commander Peter Gumataotao, the son of Afustin Gumataotao, one of the mess attendants who survived the attack on Pearl Harbor. The people of Guam stand taller today because they stood on the shoulders of these men, and I certainly would like to pay them a tribute by reading the names of our elders: Gregorio San Nicolas Aguon, Nicolas San Nicolas Fegurgur, Francisco Reyes Mafnas, Vicente Gogue Meno, Jose Sanchez Quinata, Francisco Unpingco Rivera, Ignacio Camacho Farfan, Jose

San Nicolas Flores, Jesus Francisco Garcia, Andres Franquez Mafnas, Jesus Manalisay Mata, Enrique Castro Mendiola.

□ 1800

On Guam, we will never forget these men. In many Chamorro families around the country, we will not forget these men. We must make sure that every time we remember Pearl Harbor, we remember all of the men who were there and who gave the ultimate sacrifice.

The wreath will be inscribed ''Ti manmaleffa ham—ningaian.'' We will never forget—never.

In this, the 60th anniversary of the attack on Pearl Harbor, we will not forget.

TRULY STIMULATIVE ECONOMIC STIMULUS PACKAGE NEEDED

The SPEAKER pro tempore (Mr. SCHROCK). Under a previous order of the House, the gentleman from Texas (Mr. HINOJOSA) is recognized for 5 minutes.

Mr. HINOJOSA. Mr. Speaker, I rise today in support of an economic stimulus package that will benefit the growing number of unemployed and uninsured Americans and will thus be truly stimulative, while also fiscally and socially responsible.

As a long-time businessman, I can tell you that an economic recession results from a lack of demand for the goods and services that businesses produce. Our Nation is not suffering from a recession because businesses lack available workers, technology or equipment, but because they lack demand for their products.

However, the House has passed an economic stimulus bill composed largely of tax cuts and payments from large corporations that would do nothing to increase demand for their products and would have no stimulative effect in the near future.

If we are to stimulate the economy and end the recession, Congress must pass an economic stimulus bill that creates new jobs and provides assistance to unemployed workers. In doing so, we not only provide assistance to those in need, but we truly stimulate the economy by putting money into the hands of those people who are most likely to spend it immediately. This approach increases demand for goods and services, causing businesses to employ more workers and invest in more capital.

Mr. Speaker, some of the cash-rich multinational corporations that would receive billions of dollars from the House-passed economic stimulus bill have publicly stated that they have no plans to increase the amount they invest in plants, in workers and in new products. Writing large checks to these corporations does not stimulate the economy.

However, I can assure you that there are many vital projects in Congressional districts such as mine that are ready to be funded and would create badly needed jobs now. This kind of real economic stimulus would greatly improve the economy, the infrastructure and quality of life for countless Americans. Additionally, there are large numbers of unemployed workers who are anxious to enter the labor market and to earn money that they can spend on basic needs right now, providing an immediate stimulus to the economy.

Let us look at this employment chart. As you can see, Mr. Speaker, Hidalgo County, which is in my South Texas Congressional district, has seen its unemployment rate decrease substantially in recent years from the nearly 20 percent rate of unemployment in the past. However, even during the 10 year period of prosperity, from 1990 to the year 2000, and during the same period of lowest national unemployment, Hidalgo County's unemployment rate did not fall into a single digit.

Let us look at this Hidalgo County population growth chart. As the recession deepens and the population continues to explode, as shown in this chart, thousands of workers are likely to join the tens of thousands who are already desperately looking for jobs. These people constitute a potential source of economic stimulus should they be brought into the workforce to earn and spend their money.

If we do not reverse the course that the House of Representatives has taken, the exploding population and high unemployment rate in counties such as Hidalgo County will stretch available resources. If thousands of unemployed workers do not receive assistance, they will lack the basic necessities to receive health care, to send their children to school and to obtain housing and transportation. This situation only spirals downward to make it even more difficult for a large segment of the population to enter the workforce and fully contribute to the Nation's economy.

Congress has a chance to do something meaningful for the economy and the people of this Nation. Our economy is in recession because of insufficient demand. Creating jobs by funding needed projects and providing assistance to unemployed workers puts money in the pockets of people who will put it back into the economy immediately, stimulating demand and giving the economy an immediate boost.

However, writing a $1 billion check to a multinational corporation with over $8 billion in unused cash on its books does not increase demand, it does not stimulate the economy, and it is not fiscally responsible. In fact, firms that are faced with reduced demand for their products will lay off workers, regardless of how much cash they have.

In closing, Mr. Speaker, funding for any stimulus package will now come directly from the Social Security trust fund. Therefore, the stakes are incredibly high. We must pass the most socially and fiscally responsible economic stimulus possible. We must ensure that every dollar we spend goes to those who need it most, and to those who will most quickly and efficiently put it back into the economy.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Vermont (Mr. SANDERS) is recognized for 5 minutes.

(Mr. SANDERS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

HONORING WALT DISNEY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. SANCHEZ) is recognized for 5 minutes.

Ms. SANCHEZ. Mr. Speaker, today I rise to honor a man who has shown people all over the world that ''when you wish upon a star, dreams really can come true.''

One hundred years ago yesterday, on December 5, 1901, Walt Elias Disney was born in Chicago, Illinois. One hundred years later his legacy lives in the hearts and in the minds of children of all ages. Walt has impacted people from all over the world through his films, his theme parks and his incredible imagination.

Growing up in Anaheim, California, I was fortunate to have Disneyland in my own backyard. Now, as the Congresswoman from the Forty-sixth Congressional District, I get to represent Disneyland to the rest of the world.

I can still remember my first visit to Disneyland. One of my fondest memories was riding in the ''It's a Small World'' ride, a bunch of little dolls dancing around, singing in different languages, getting along together in perfect harmony. What a way to view the world, and what a way to teach a child about what the world is that we aspire to.

Imagine, people in the world sharing this laughter, their tears, their hopes, their fears. Walt envisioned a world where happiness transcended borders, a world where hate was nonexistent, and where joy and laughter cured all things.

After September 11, America has lost its innocence. And, unfortunately, the terrorist attacks have had a terrible toll on America's psyche and tourism in general. However, in this time of hardship, the hopes and the dreams of Americans are stronger than ever, and, thanks to Walt, Americans will always believe that ''anything their hearts desire will come to them.''

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

(Mr. CONYERS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. BROWN) is recognized for 5 minutes.

(Ms. BROWN addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

DEMOCRATIC PROCESS DISHONORED IN TRADE DEBATE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, through the tenure that I have had here in this body, I have had the opportunity to discuss and to engage in a vigorous debate on trade. On many instances I saw fit to vote for some forms of international trade. But, at that time, Mr. Speaker, there was engagement, bipartisan engagement. Under the leadership of President Clinton, every issue that was expressed by a Democrat or a Republican or an Independent was given full airing throughout the process.

Today, I believe we dishonored the democratic process in this House. There was no open discussion. There was simply an attempt to get someone's way, and it was evidenced by a vote of 215 to 214.

This is because in the Committee on Rules they would not allow a full debate and allow a very full and adequate substitute, which many business persons supported, authored by the gentleman from New York (Mr. RANGEL); one that expanded trade, opened new markets for U.S. workers, farmers and businesses; that had effective worker protections; that protected realistically the environment; and then held to the constitutional premise that when it comes to protecting the American people as to whether or not we would lose thousands of jobs, there must be Congressional oversight, which the Constitution mandates.

That is what the Rangel substitute had, and, Mr. Speaker, the Committee on Rules denied us the opportunity to have a full debate on that substitute, a substitute that would protect the American people. Instead, what we did is bring forth the Thomas bill, that had no sense of commitment to some of these very important issues.

I believe in what Democratic President John F. Kennedy said, ''a rising tide lifts all boats,'' and that we in the United States Congress have a responsibility to work on behalf of the Nation.

My district, in fact, is a district that has in some instances advocated trade because of the business community. But I have many constituents, Mr. Speaker, and right now I am shocked that anybody in the business community is focusing on anything but the thousands of people who have lost their jobs over these last couple of weeks, maybe 10,000 in and around the 18th Congressional District. I believe Houston will come back. But I would think that this White House, with a president from Texas, would have more concern about passing an economic stimulus package that would in fact have extended relief for those individuals who tragically, through no fault of their own, have lost their jobs.

This trade bill could have been a trade bill that would have included everyone, but, yet, no one was involved who had a different perspective. No one was involved who wanted to see more labor protections, wanted to see the protocols that include protection of human rights, the environment, making sure that there were labor standards.

We realize when you have international trade that some jobs will be lost, but more jobs are lost because the labor standards are diminished, and many corporations will rush to those places overseas in order to pay those unbelievably diminishing and demeaning hourly wages. So we do lose good American jobs.

But I do believe trade can be a boost to the economy. How can it be a boost to the economy? Only when we sit down and negotiate together.

We now face a declining economy, and we also are in jeopardy with our own environment. We still have issues dealing with clean water and clean air. Do we not hold to the premise that what is good for the goose is good for the gander? If we are fighting for clean air and clean water and the protection of our water, in light of what we are going through, would it not be appropriate for those countries to do the same where those corporations that carry our name rush to set up their institutions?

I am very saddened that the debate went to the level it did, that we are all fighting international terrorism. We are doing that. So many of us gave the authority to our President in unity because our soil was violated, our people lost their lives. I claim and will not in any way take a back seat to my patriotism.

But this bill had nothing to do with patriotism or fighting terrorism. In fact, I am more fearful of this bill than I am supportive of this bill as having anything to do with helping us fight terrorists around the world. I would much rather shore up this declining economy and provide the opportunities for constituents to have a bridge, so that they can find work.

Mr. Speaker, I believe we did not do what was right today on behalf of all of the American people. I say to my business community in an open letter, we have worked together, and I will not again take a back seat to my concern about the economy and boosting opportunities for trade. But we cannot do it by denying our own constituency, those who work hard, who labor, those who want a cleaner environment, and those who promote the Constitution, requiring Congressional oversight.

Mr. Speaker, I yield back the balance of my time, hoping we will be able to fix this very unseemly bill.

□ 1814

The SPEAKER pro tempore (Mr. SCHROCK). Under a previous order of the House, the gentlewoman from North Carolina (Mrs. CLAYTON) is recognized for 5 minutes.

(Mrs. CLAYTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

H.R. 3365 TO ALLOW BUSINESSES TO TEMPORARILY WITHDRAW FUNDS FROM THEIR IRAS WITHOUT PENALTY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Hawaii (Mrs. MINK) is recognized for 5 minutes.

Mrs. MINK of Hawaii. Mr. Speaker, For weeks Congress had debated various economic stimulus plans. Meanwhile, the economy has continued to dive deeper into a recession.

In the third quarter, the economy collapsed at an annual rate of 1.1 percent, its worst showing since 1991. The Commerce Department reported that corporate profits fell 8.3 percent during the third quarter and decreased 22.2 percent compared with last year.

The economic downturn has hurt working families throughout the country. The number of unemployed persons increased by 732,000 to 7.7 million in October. The unemployment rate rose by 0.5 percentage points to 5.4 percent, the highest level since December 1996.

We need meaningful legislation to stimulate the economy, help unemployed workers, and assist struggling families.

On November 28, 2001 I introduced a bill allowing individuals suffering from the recession to withdraw funds from their Individual Retirement Accounts without penalty until September 12, 2002.

My bill temporarily waives the 10 percent Individual Retirement Account withdraw penalty fee for people who: Have received unemployment compensation for 12 consecutive weeks, have at least 10 percent stake in a small business that has suffered significant economic injury since September 11th, or lost a family member in a terrorist attack.

Congress cannot wait for the economy to recover on its own. We cannot wait for a stimulus plan whose effects may not been seen for months. We must pass legislation that immediately helps workers who have lost their jobs.

My bill will assist those who desperately need our help.

I urge my colleagues to help individuals during this recession by cosponsoring this important legislation.

CONFERENCE REPORT ON H.R. 2883

Mr. GOSS, submitted the following conference report and statement on the bill (H.R. 2883), to authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government,

the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes:

CONFERENCE REPORT (H. REPT. 107–328)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2883), to authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Intelligence Authorization Act for Fiscal Year 2002''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2002 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Central Intelligence Agency.
(2) The Department of Defense.
(3) The Defense Intelligence Agency.
(4) The National Security Agency.
(5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
(6) The Department of State.
(7) The Department of the Treasury.
(8) The Department of Energy.
(9) The Federal Bureau of Investigation.
(10) The National Reconnaissance Office.
(11) The National Imagery and Mapping Agency.
(12) The Coast Guard.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL CEILINGS.—The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 2002, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the conference report on the bill H.R. 2883 of the One Hundred Seventh Congress.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR ADJUSTMENTS.—With the approval of the Director of the Office of Management and Budget, the Director of Central Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 2002 under section 102 when the Director of Central Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed 2 percent of the number of civilian personnel authorized under such section for such element.

(b) NOTICE TO INTELLIGENCE COMMITTEES.—The Director of Central Intelligence shall notify promptly the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever the Director exercises the authority granted by this section.

SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Community Management Account of the Director of Central Intelligence for fiscal year 2002 the sum of $200,276,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for the advanced research and development committee shall remain available until September 30, 2003.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Intelligence Community Management Account of the Director of Central Intelligence are authorized 343 full-time personnel as of September 30, 2002. Personnel serving in such elements may be permanent employees of the Intelligence Community Management Account or personnel detailed from other elements of the United States Government.

(c) CLASSIFIED AUTHORIZATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are also authorized to be appropriated for the Intelligence Community Management Account for fiscal year 2002 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a). Such additional amounts shall remain available until September 30, 2003.

(2) AUTHORIZATION OF PERSONNEL.—In addition to the personnel authorized by subsection (b) for elements of the Intelligence Community Management Account as of September 30, 2002, there are hereby authorized such additional personnel for such elements as of that date as are specified in the classified Schedule of Authorizations.

(d) REIMBURSEMENT.—Except as provided in section 113 of the National Security Act of 1947 (50 U.S.C. 404h), during fiscal year 2002 any officer or employee of the United States or a member of the Armed Forces who is detailed to the staff of the Intelligence Community Management Account from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

(e) NATIONAL DRUG INTELLIGENCE CENTER.—

(1) IN GENERAL.—Of the amount authorized to be appropriated in subsection (a), $44,000,000 shall be available for the National Drug Intelligence Center. Within such amount, funds provided for research, development, testing, and evaluation purposes shall remain available until September 30, 2003, and funds provided for procurement purposes shall remain available until September 30, 2004.

(2) TRANSFER OF FUNDS.—The Director of Central Intelligence shall transfer to the Attorney General funds available for the National Drug Intelligence Center under paragraph (1). The Attorney General shall utilize funds so transferred for the activities of the National Drug Intelligence Center.

(3) LIMITATION.—Amounts available for the National Drug Intelligence Center may not be

used in contravention of the provisions of section 103(d)(1) of the National Security Act of 1947 (50 U.S.C. 403–3(d)(1)).

(4) AUTHORITY.—Notwithstanding any other provision of law, the Attorney General shall retain full authority over the operations of the National Drug Intelligence Center.

SEC. 105. CODIFICATION OF THE COAST GUARD AS AN ELEMENT OF THE INTELLIGENCE COMMUNITY.

Section 3(4)(H) of the National Security Act of 1947 (50 U.S.C. 401a(4)(H) is amended—

(1) by striking ''and'' before ''the Department of Energy''; and

(2) by inserting '', and the Coast Guard'' before the semicolon.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2002 the sum of $212,000,000.

TITLE III—GENERAL PROVISIONS

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 303. SENSE OF CONGRESS ON INTELLIGENCE COMMUNITY CONTRACTING.

It is the sense of Congress that the Director of Central Intelligence should continue to direct that elements of the intelligence community, whenever compatible with the national security interests of the United States and consistent with operational and security concerns related to the conduct of intelligence activities, and where fiscally sound, should competitively award contracts in a manner that maximizes the procurement of products properly designated as having been made in the United States.

SEC. 304. REQUIREMENTS FOR LODGING ALLOWANCES IN INTELLIGENCE COMMUNITY ASSIGNMENT PROGRAM BENEFITS.

Section 113(b) of the National Security Act of 1947 (50 U.S.C. 404h(b) is amended—

(1) by inserting ''(1)'' before ''An employee''; and

(2) by adding at the end the following new paragraph:

''(2) The head of an agency of an employee detailed under subsection (a) may pay a lodging allowance for the employee subject to the following conditions:

''(A) The allowance shall be the lesser of the cost of the lodging or a maximum amount payable for the lodging as established jointly by the Director of Central Intelligence and—

''(i) with respect to detailed employees of the Department of Defense, the Secretary of Defense; and

''(ii) with respect to detailed employees of other agencies and departments, the head of such agency or department.

''(B) The detailed employee maintains a primary residence for the employee's immediate family in the local commuting area of the parent agency duty station from which the employee regularly commuted to such duty station before the detail.

''(C) The lodging is within a reasonable proximity of the host agency duty station.

''(D) The distance between the detailed employee's parent agency duty station and the host agency duty station is greater than 20 miles.

''(E) The distance between the detailed employee's primary residence and the host agency duty station is 10 miles greater than the distance between such primary residence and the employees parent duty station.

''(F) The rate of pay applicable to the detailed employee does not exceed the rate of basic pay for grade GS–15 of the General Schedule.''.

SEC. 305. MODIFICATION OF REPORTING REQUIREMENTS FOR SIGNIFICANT ANTICIPATED INTELLIGENCE ACTIVITIES AND SIGNIFICANT INTELLIGENCE FAILURES.

Section 502 of the National Security Act of 1947 (50 U.S.C. 413a) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''To the extent''; and

(2) by adding at the end the following new subsections:

''(b) FORM AND CONTENTS OF CERTAIN REPORTS.—Any report relating to a significant anticipated intelligence activity or a significant intelligence failure that is submitted to the intelligence committees for purposes of subsection (a)(1) shall be in writing, and shall contain the following:

''(1) A concise statement of any facts pertinent to such report.

''(2) An explanation of the significance of the intelligence activity or intelligence failure covered by such report.

''(c) STANDARDS AND PROCEDURES FOR CERTAIN REPORTS.—The Director of Central Intelligence, in consultation with the heads of the departments, agencies, and entities referred to in subsection (a), shall establish standards and procedures applicable to reports covered by subsection (b).''.

SEC. 306. REPORT ON IMPLEMENTATION OF RECOMMENDATIONS OF THE NATIONAL COMMISSION ON TERRORISM AND OTHER ENTITIES.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Director of Central Intelligence shall submit to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate a report concerning whether, and to what extent, the Intelligence Community has implemented recommendations relevant to the Intelligence Community as set forth in the following:

(1) The report prepared by the National Commission on Terrorism established by section 591 of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277).

(2) The report prepared by the United States Commission on National Security for the 21st Century, Phase III, dated February 15, 2001.

(3) The second annual report of the advisory panel to assess domestic response capabilities for terrorism involving weapons of mass destruction established pursuant to section 1405 of the National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 50 U.S.C. 2301 note).

(b) RECOMMENDATIONS DETERMINED NOT TO BE ADOPTED.—In a case in which the Director determines that a recommendation described in subsection (a) has not been implemented, the report under that subsection shall include a detailed explanation of the reasons for not implementing that recommendation.

SEC. 307. JUDICIAL REVIEW UNDER FOREIGN NARCOTICS KINGPIN DESIGNATION ACT.

Section 805 of the Foreign Narcotics Kingpin Designation Act (title VIII of Public Law 106–120; 113 Stat. 1629; 21 U.S.C. 1904) is amended by striking subsection (f).

SEC. 308. MODIFICATION OF POSITIONS REQUIRING CONSULTATION WITH DIRECTOR OF CENTRAL INTELLIGENCE IN APPOINTMENTS.

Section 106(b)(2) of the National Security Act of 1947 (50 U.S.C. 403–6(b)(2)) is amended by striking subparagraph (C) and inserting the following new subparagraphs:

''(C) The Director of the Office of Intelligence of the Department of Energy.

''(D) The Director of the Office of Counterintelligence of the Department of Energy.''.

SEC. 309. MODIFICATION OF AUTHORITIES FOR PROTECTION OF INTELLIGENCE COMMUNITY EMPLOYEES WHO REPORT URGENT CONCERNS TO CONGRESS.

(a) AUTHORITY OF INSPECTOR GENERAL OF CENTRAL INTELLIGENCE AGENCY.—Section 17(d)(5) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(d)(5)) is amended—

(1) in subparagraph (B), by striking the second sentence and inserting the following new sentence: ''Upon making such a determination, the Inspector General shall transmit to the Director notice of that determination, together with the complaint or information.''; and

(2) in subparagraph (D)(i), by striking ''does not transmit,'' and all that follows through ''subparagraph (B),'' and inserting ''does not find credible under subparagraph (B) a complaint or information submitted under subparagraph (A), or does not transmit the complaint or information to the Director in accurate form under subparagraph (B),''.

(b) AUTHORITIES OF INSPECTORS GENERAL OF THE INTELLIGENCE COMMUNITY.—Section 8H of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in subsection (b), by striking the second sentence and inserting the following new sentence: ''Upon making such a determination, the Inspector General shall transmit to the head of the establishment notice of that determination, together with the complaint or information.''; and

(2) in subsection (d)(1), by striking ''does not transmit,'' and all that follows through ''subsection (b),'' and inserting ''does not find credible under subsection (b) a complaint or information submitted to the Inspector General under subsection (a), or does not transmit the complaint or information to the head of the establishment in accurate form under subsection (b),''.

SEC. 310. REVIEW OF PROTECTIONS AGAINST THE UNAUTHORIZED DISCLOSURE OF CLASSIFIED INFORMATION.

(a) REQUIREMENT.—The Attorney General shall, in consultation with the Secretary of Defense, Secretary of State, Secretary of Energy, Director of Central Intelligence, and heads of such other departments, agencies, and entities of the United States Government as the Attorney General considers appropriate, carry out a comprehensive review of current protections against the unauthorized disclosure of classified information, including—

(1) any mechanisms available under civil or criminal law, or under regulation, to detect the unauthorized disclosure of such information; and

(2) any sanctions available under civil or criminal law, or under regulation, to deter and punish the unauthorized disclosure of such information.

(b) PARTICULAR CONSIDERATIONS.—In carrying out the review required by subsection (a), the Attorney General shall consider, in particular—

(1) whether the administrative regulations and practices of the intelligence community are adequate, in light of the particular requirements of the intelligence community, to protect against the unauthorized disclosure of classified information; and

(2) whether recent developments in technology, and anticipated developments in technology, necessitate particular modifications of

current protections against the unauthorized disclosure of classified information in order to further protect against the unauthorized disclosure of such information.

(c) REPORT.—(1) Not later than May 1, 2002, the Attorney General shall submit to Congress a report on the review carried out under subsection (a). The report shall include the following:

(A) A comprehensive description of the review, including the findings of the Attorney General as a result of the review.

(B) An assessment of the efficacy and adequacy of current laws and regulations against the unauthorized disclosure of classified information, including whether or not modifications of such laws or regulations, or additional laws or regulations, are advisable in order to further protect against the unauthorized disclosure of such information.

(C) Any recommendations for legislative or administrative action that the Attorney General considers appropriate, including a proposed draft for any such action, and a comprehensive analysis of the Constitutional and legal ramifications of any such action.

(2) The report shall be submitted in unclassified form, but may include a classified annex.

SEC. 311. ONE-YEAR SUSPENSION OF REORGANIZATION OF DIPLOMATIC TELECOMMUNICATIONS SERVICE PROGRAM OFFICE.

Notwithstanding any provision of subtitle B of title III of the Intelligence Authorization Act for Fiscal Year 2001 (Public Law 106–567; 114 Stat. 2843; 22 U.S.C. 7301 et seq.), relating to the reorganization of the Diplomatic Telecommunications Service Program Office, no provision of that subtitle shall be effective during the period beginning on the date of the enactment of this Act and ending on October 1, 2002.

SEC. 312. PRESIDENTIAL APPROVAL AND SUBMISSION TO CONGRESS OF NATIONAL COUNTERINTELLIGENCE STRATEGY AND NATIONAL THREAT IDENTIFICATION AND PRIORITIZATION ASSESSMENTS.

The National Counterintelligence Strategy, and each National Threat Identification and Prioritization Assessment, produced under Presidential Decision Directive 75, dated December 28, 2000, entitled ''U.S. Counterintelligence Effectiveness—Counterintelligence for the 21st Century'', including any modification of that Strategy or any such Assessment, may only take effect if approved by the President. The Strategy, each Assessment, and any modification thereof, shall be submitted to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

SEC. 313. REPORT ON ALIEN TERRORIST REMOVAL PROCEEDINGS.

Section 504 of the Immigration and Nationality Act (8 U.S.C. 1534) is amended by adding after subsection (k) the following new subsection:

''(l) Not later than 3 months from the date of the enactment of this subsection, the Attorney General shall submit to Congress a report concerning the effect and efficacy of alien terrorist removal proceedings, including the reasons why proceedings pursuant to this section have not been used by the Attorney General in the past and the effect on the use of these proceedings after the enactment of the USA PATRIOT Act of 2001 (Public Law 107–56).''.

SEC. 314. TECHNICAL AMENDMENTS.

(a) FISA.—The Foreign Intelligence Surveillance Act of 1978 is amended as follows:

(1) Section 101(h)(4) (50 U.S.C. 1801(h)(4)) is amended by striking ''twenty-four hours'' and inserting ''72 hours''.

(2) Section 105 (50 U.S.C. 1805) is amended—

(A) by inserting '', if known'' in subsection (c)(1)(B) before the semicolon at the end;

(B) by striking ''twenty-four hours'' in subsection (f) each place it appears and inserting ''72 hours'';

(C) by transferring the subsection (h) added by section 225 of the USA PATRIOT Act (Public Law 107–56; 115 Stat. 295) so as to appear after (rather than before) the subsection (h) redesignated by section 602(b)(2) of the Counterintelligence Reform Act of 2000 (title VI of Public Law 106–567; 114 Stat. 2851) and redesignating that subsection as so transferred as subsection (i); and

(D) in the subsection transferred and redesignated by subparagraph (C), by inserting ''for electronic surveillance or physical search'' before the period at the end.

(3) Section 301(4)(D) (50 U.S.C. 1821(4)(D)) is amended by striking ''24 hours'' and inserting ''72 hours''.

(4) Section 304(e) (50 U.S.C. 1824(e)) is amended by striking ''24 hours'' each place it appears and inserting ''72 hours''.

(5) Section 402 (50 U.S.C. 1842) is amended—

(A) in subsection (c), as amended by paragraphs (2) and (3) of section 214(a) of the USA PATRIOT Act (115 Stat. 286), by inserting ''and'' at the end of paragraph (1); and

(B) in subsection (f), by striking ''of a court'' and inserting ''of an order issued''.

(6) Subsection (a) of section 501 (50 U.S.C. 1861), as inserted by section 215 of the USA PATRIOT Act (115 Stat. 287), is amended by inserting ''to obtain foreign intelligence information not concerning a United States person or'' in paragraph (1) after ''an investigation''.

(7) Section 502 (50 U.S.C. 1862), as inserted by section 215 of the USA PATRIOT Act (115 Stat. 288), is amended by striking ''section 402'' both places it appears and inserting ''section 501''.

(8) The table of contents in the first section is amended—

(A) by inserting ''Sec.'' at the beginning of the items relating to sections 401, 402, 403, 404, 405, 406, and 601; and

(B) by striking the items relating to sections 501, 502, and 503 and inserting the following:

''Sec. 501. Access to certain business records for foreign intelligence and international terrorism investigations.

''Sec. 502. Congressional oversight.''.

(b) TITLE 18, UNITED STATES CODE.—Paragraph (19) of section 2510 of title 18, United States Code, as added by section 203(b)(2)(C) of the USA PATRIOT Act (115 Stat. 280), is amended by inserting '', for purposes of section 2517(6) of this title,'' before ''means''.

(c) USA PATRIOT ACT.—Effective as of the enactment of such Act and as if included therein as originally enacted, the USA PATRIOT Act (Public Law 107–56) is amended—

(1) in section 207(b)(1) (115 Stat. 282), by striking ''105(d)(2)'' and ''1805(d)(2)'' and inserting ''105(e)(2)'' and ''1805(e)(2)'', respectively; and

(2) in section 1003 (115 Stat. 392), by inserting ''of 1978'' after ''Act''.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

SEC. 401. MODIFICATIONS OF CENTRAL SERVICES PROGRAM.

(a) ANNUAL AUDITS.—Subsection (g)(1) of section 21 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403u) is amended—

(1) by striking ''December 31'' and inserting ''January 31''; and

(2) by striking ''conduct'' and inserting ''complete''.

(b) PERMANENT AUTHORITY.—Subsection (h) of that section is amended—

(1) by striking paragraph (1);

(2) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;

(3) in paragraph (1), as so redesignated, by striking ''paragraph (3)'' and inserting ''paragraph (2)''; and

(4) in paragraph (2), as so redesignated, by striking ''paragraph (2)'' and inserting ''paragraph (1)''.

SEC. 402. ONE-YEAR EXTENSION OF CENTRAL INTELLIGENCE AGENCY VOLUNTARY SEPARATION PAY ACT.

Section 2 of the Central Intelligence Agency Voluntary Separation Pay Act (50 U.S.C. 403–4 note) is amended—

(1) in subsection (f), by striking ''September 30, 2002'' and inserting ''September 30, 2003''; and

(2) in subsection (i), by striking ''or 2002'' and inserting ''2002, or 2003''.

SEC. 403. GUIDELINES FOR RECRUITMENT OF CERTAIN FOREIGN ASSETS.

Recognizing dissatisfaction with the provisions of the guidelines of the Central Intelligence Agency (promulgated in 1995) for handling cases involving foreign assets or sources with human rights concerns and recognizing that, although there have been recent modifications to those guidelines, they do not fully address the challenges of both existing and long-term threats to United States security, the Director of Central Intelligence shall—

(1) rescind the existing guidelines for handling such cases;

(2) issue new guidelines that more appropriately weigh and incentivize risks to ensure that qualified field intelligence officers can, and should, swiftly and directly gather intelligence from human sources in such a fashion as to ensure the ability to provide timely information that would allow for indications and warnings of plans and intentions of hostile actions or events; and

(3) ensure that such information is shared in a broad and expeditious fashion so that, to the extent possible, actions to protect American lives and interests can be taken.

SEC. 404. FULL REIMBURSEMENT FOR PROFESSIONAL LIABILITY INSURANCE OF COUNTERTERRORISM EMPLOYEES.

Section 406(a)(2) of the Intelligence Authorization Act for Fiscal Year 2001 (Public Law 106–567; 114 Stat. 2849; 5 U.S.C. prec. 5941 note) is amended by striking ''one-half'' and inserting ''100 percent''.

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

SEC. 501. AUTHORITY TO PURCHASE ITEMS OF NOMINAL VALUE FOR RECRUITMENT PURPOSES.

(a) AUTHORITY.—Section 422 of title 10, United States Code, is amended by adding at the end the following:

''(b) PROMOTIONAL ITEMS FOR RECRUITMENT PURPOSES.—The Secretary of Defense may use funds available for an intelligence element of the Department of Defense to purchase promotional items of nominal value for use in the recruitment of individuals for employment by that element.''.

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

''§ 422. Use of funds for certain incidental purposes''.

(2) Such section is further amended by inserting at the beginning of the text of the section the following:

''(a) COUNTERINTELLIGENCE OFFICIAL RECEPTION AND REPRESENTATION EXPENSES.—''.

(3) The item relating to such section in the table of sections at the beginning of subchapter I of chapter 21 of such title is amended to read as follows:

''422. Use of funds for certain incidental purposes.''.

SEC. 502. FUNDING FOR INFRASTRUCTURE AND QUALITY-OF-LIFE IMPROVEMENTS AT MENWITH HILL AND BAD AIBLING STATIONS.

(a) AUTHORITY.—

(1) In addition to funds otherwise available for such purpose, the Secretaries of the Army, Navy, and Air Force may each transfer or reprogram such funds as are necessary—

(A) for the enhancement of the capabilities of the Menwith Hill Station and Bad Aibling Station, including improvements of facility infrastructure and quality of life programs at those installations; and

(B) at the appropriate time, for costs associated with the closure of the Bad Aibling Station.

(2) The authority provided in paragraph (1) may be exercised notwithstanding any other provision of law.

(b) SOURCE OF FUNDS.—Funds available for any of the military departments for operation and maintenance shall be available to carry out subsection (a).

(c) BUDGET REPORT.—The Secretary of each military department shall ensure—

(1) that the annual budget request of that military department reflects any funds transferred or reprogrammed under this section for the preceding fiscal year; and

(2) that a copy of the portion of the budget request showing each such transfer or reprogramming is transmitted to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

(d) STATUTORY CONSTRUCTION.—Nothing in this section may be construed to modify or obviate existing law or practice with regard to the transfer or reprogramming of funds from the Department of the Army, the Department of the Navy, or the Department of the Air Force to the Menwith Hill Station at the Bad Aibling Station.

SEC. 503. MODIFICATION OF AUTHORITIES RELATING TO OFFICIAL IMMUNITY IN INTERDICTION OF AIRCRAFT ENGAGED IN ILLICIT DRUG TRAFFICKING.

(a) CERTIFICATION REQUIRED FOR IMMUNITY.—Subsection (a)(2) of section 1012 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 22 U.S.C. 2291–4) is amended by striking ''', before the interdiction occurs, has determined'' in the matter preceding subparagraph (A) and inserting ''has, during the 12-month period ending on the date of the interdiction, certified to Congress''.

(b) ANNUAL REPORTS.—That section is further amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

''(c) ANNUAL REPORT.—(1) Not later than February 1 each year, the President shall submit to Congress a report on the assistance provided under subsection (b) during the preceding calendar year. Each report shall include for the calendar year covered by such report the following:

''(A) A list specifying each country for which a certification referred to in subsection (a)(2) was in effect for purposes of that subsection during any portion of such calendar year, including the nature of the illicit drug trafficking threat to each such country.

''(B) A detailed explanation of the procedures referred to in subsection (a)(2)(B) in effect for each country listed under subparagraph (A), including any training and other mechanisms in place to ensure adherence to such procedures.

''(C) A complete description of any assistance provided under subsection (b).

''(D) A summary description of the aircraft interception activity for which the United States Government provided any form of assistance under subsection (b).

''(2) Each report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.''.

SEC. 504. UNDERGRADUATE TRAINING PROGRAM FOR EMPLOYEES OF THE NATIONAL IMAGERY AND MAPPING AGENCY.

(a) AUTHORITY TO CARRY OUT TRAINING PROGRAM.—Subchapter III of chapter 22 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 462. Financial assistance to certain employees in acquisition of critical skills

''The Secretary of Defense may establish an undergraduate training program with respect to civilian employees of the National Imagery and Mapping Agency that is similar in purpose, conditions, content, and administration to the program established by the Secretary of Defense under section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note) for civilian employees of the National Security Agency.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

''462. Financial assistance to certain employees in acquisition of critical skills.''.

SEC. 505. PREPARATION AND SUBMITTAL OF REPORTS, REVIEWS, STUDIES, AND PLANS RELATING TO DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES.

(a) CONSULTATION IN PREPARATION.—The Director of Central Intelligence shall ensure that any report, review, study, or plan required to be prepared or conducted by a provision of this Act, including a provision of the classified Schedule of Authorizations or a classified annex to this Act, that involves the intelligence or intelligence-related activities of the Department of Defense shall be prepared or conducted in consultation with the Secretary of Defense or an appropriate official of the Department designated by the Secretary for that purpose.

(b) SUBMITTAL.—Any report, review, study, or plan referred to in subsection (a) shall be submitted, in addition to any other committee of Congress specified for submittal in the provision concerned, to the following committees of Congress:

(1) The Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate.

SEC. 506. ENHANCEMENT OF SECURITY AUTHORITIES OF NATIONAL SECURITY AGENCY.

Section 11 of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended to read as follows:

''SEC. 11. (a)(1) The Director of the National Security Agency may authorize agency personnel within the United States to perform the same functions as special policemen of the General Services Administration perform under the first section of the Act entitled 'An Act to authorize the Federal Works Administrator or officials of the Federal Works Agency duly authorized by him to appoint special policemen for duty upon Federal property under the jurisdiction of the Federal Works Agency, and for other purposes' (40 U.S.C. 318) with the powers set forth in that section, except that such personnel shall perform such functions and exercise such powers—

''(A) at the National Security Agency Headquarters complex and at any facilities and protected property which are solely under the administration and control of, or are used exclusively by, the National Security Agency; and

''(B) in the streets, sidewalks, and the open areas within the zone beginning at the outside boundary of such facilities or protected property and extending outward 500 feet.

''(2) The performance of functions and exercise of powers under subparagraph (B) of paragraph (1) shall be limited to those circumstances where such personnel can identify specific and articulable facts giving such personnel reason to believe that the performance of such functions and exercise of such powers is reasonable to protect against physical damage or injury, or threats of physical damage or injury, to agency installations, property, or employees.

''(3) Nothing in this subsection shall be construed to preclude, or limit in any way, the authority of any Federal, State, or local law enforcement agency, or any other Federal police or Federal protective service.

''(4) The rules and regulations enforced by such personnel shall be the rules and regulations prescribed by the Director and shall only be applicable to the areas referred to in subparagraph (A) of paragraph (1).

''(5) Not later than July 1 each year, the Director shall submit to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate a report that describes in detail the exercise of the authority granted by this subsection and the underlying facts supporting the exercise of such authority, during the preceding fiscal year. The Director shall make each such report available to the Inspector General of the National Security Agency.

''(b) The Director of the National Security Agency is authorized to establish penalties for violations of the rules or regulations prescribed by the Director under subsection (a). Such penalties shall not exceed those specified in the fourth section of the Act referred to in subsection (a) (40 U.S.C. 318c).

''(c) Agency personnel designated by the Director of the National Security Agency under subsection (a) shall be clearly identifiable as United States Government security personnel while engaged in the performance of the functions to which subsection (a) refers.''.

And the Senate agree to the same.

From the Permanent Select Committee on Intelligence, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

PORTER J. GOSS,
DOUGLAS BEREUTER,
MICHAEL N. CASTLE,
SHERWOOD BOEHLERT,
JIM GIBBONS,
RAY LAHOOD,
DUKE CUNNINGHAM,
PETE HOEKSTRA,
RICHARD BURR,
SAXBY CHAMBLISS,
NANCY PELOSI,
SANFORD BISHOP,
JANE HARMON,
GARY CONDIT,
TIM ROEMER,
ALCEE L. HASTINGS,
LEONARD L. BOSWELL,
COLLIN C. PETERSON,
Mangers on the Part of the House.

BOB GRAHAM,
JOHN D. ROCKEFELLER IV,
DIANNE FEINSTEIN,
RON WYDEN,
RICHARD DURBIN,
EVAN BAYH,
JOHN EDWARDS,
BARBARA MIKULSKI,
RICHARD SHELBY,
JON KYL,
JAMES INHOFE,
ORRIN G. HATCH,
PAT ROBERTS,
MIKE DEWINE,
FRED THOMPSON,
RICHARD G. LUGAR,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2883), to authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other

purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment that is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clerical changes.

The managers agree that the congressionally directed actions described in the House bill, the Senate amendment, the respective committee reports, and classified annexes accompanying H.R. 2883, should be undertaken to the extent that such congressionally directed actions are not amended, altered, or otherwise specifically addressed in either this Joint Explanatory Statement or in the classified annex to the conference report on the bill H.R. 2883.

Rebuilding the Nation's Intelligence Capabilities

The conferees note that the fiscal year 2002 budget request submitted by the President includes a substantial increase for programs funded in the National Foreign Intelligence Program. This authorization bill further enhances that investment. The conferees believe this funding increase should represent the first installment of at least a five-year effort to correct serious deficiencies that have developed over the past decade in the Intelligence Community. The conferees recognize that these deficiencies existed prior to the events of September 11th and, indeed, they have been consistently highlighting these shortfalls for the past seven years. Put simply, although the end of the Cold War warranted a reordering of national priorities, the steady decline in intelligence funding since the mid-1990s left the nation with a diminished ability to address the emerging threats and technological challenges of the 21st Century.

In this budget, the conferees seek to highlight four priority areas that must receive significant attention in the near term if intelligence is to fulfill its role in our national security strategy. Those are: (1) revitalizing the National Security Agency (NSA); (2) correcting deficiencies in human intelligence; (3) addressing the imbalance between intelligence collection and analysis; and (4) rebuilding a robust research and development program.

The conferees' top priority last year was the revitalization of the National Security Agency. This continues to be the conferees' number one concern. Within the next five years, the NSA must have the ability to collect and exploit electronic signals in a vastly differenct communications environment. Along with significant investment in technology, this means closer collaboration with clandestine human collectors. The computer and telecommunications systems that NSA employees use to accomplish their work must be state-of-the-art technology. Analysts must have sophisticated software tools to allow them to exploit fully the amount of data available in the future.

Correcting deficiencies in the area of human intelligence is critical for the Intelligence Community if it is to meet the increasingly complex and growing set of collection requirements within the next five years. The Central Intelligence Agency (CIA) will need to hire case officers capable of dealing with the explosion of technology, both as collection tools and as potential threats. These individuals must be able to operate effectively in the many places around the world. To do that, the CIA must place even greater emphasis on the diversity of the new recruits. As importantly, the emphasis of our human collection must change in such a way that places a priority on being able to access the types of information that reveal the plans and intentions of those who would harm U.S. interests. The human intelligence system also must be integrated more closely with our other collection capabilities.

As we do a better job of collecting intelligence, we also must enhance our ability to understand this information. The percentage of the intelligence budget devoted to processing and analysis has been declining steadily since 1990. Although collection systems are becoming more and more capable, our investment in analysis continues to decline. The disparity threatens to overwhelm our ability to effectively use the information collected. To address this problem, the conferees have added funds to finance promising all-source analysis initiatives across the Community. Over the next five years, the Intelligence Community must rebuild its all-source analytical capability, creating a force that can truly present a global coverage capability.

The conferees' fourth priority, a strong research and development program, supports all of the other initiatives and more. Over the past decade, agencies have allowed research and development accounts to be the ''bill payer'' for funding shortfalls, and have sacrificed modernization and innovation in the process. The conferees believe that over the next five years, there must be a review of several emerging technologies to determine what will provide the best long-term return on investment, while ensuring that sufficient incentives for ''risk'' are promoted in order to bring R&D to the ''cutting edge.'' As part of such an effort, the conferees continue to support and encourage a symbiotic relationship between the Intelligence Community and the private sector using innovative approaches such as the Central Intelligence Agency's In-Q-Tel.

Although the conferees believe that this authorization represents a ''down payment'' for a five-year effort to rebuild our intelligence capabilities, they also believe that, in light of the horrible and tragic terrorist attacks, this year's authorization represents only a snapshot in time, and does not necessarily represent the critically needed long-term investments sufficient to bolster national security objectives. In fact, the conferees believe that this authorization is only the beginning of what must be a substantial investment if the nation is to have the intelligence capabilities required to protect national security and to provide the first line of defense against terrorism and other transnational issues.

Beyond the four priority areas mentioned above, significant attention is needed elsewhere as well. For example, designing and procuring the appropriate capabilities for technical collection to replace our aging systems must also be addressed. Additionally, there are areas that the Administration must address that are beyond financial investment, and go to instilling, within the Intelligence Community, a focus on ensuring anticipatory access, so as to be able to obtain information on plans and intentions in order to prevent crises. The Intelligence Community must create a ''culture'' that is less risk averse.

Finally, the conferees believe that any effort to invest in and expand intelligence capabilities will only be marginally successful, at best, if there is not a parallel effort to change the structure of the Community where appropriate. Today's intelligence structure is not suitable to address current and future challenges, and the conferees look forward to working with the Administration on this issue as well.

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS

Section 101 of the conference report lists the departments, agencies, and other elements of the United States Government for whose intelligence and intelligence-related activities the Act authorizes appropriations for fiscal year 2001. Section 101 is identical to section 101 of the House bill and section 101 of the Senate amendment, except for the addition of the Coast Guard, see section 105, infra.

SEC. 102 CLASSIFIED SCHEDULE OF AUTHORIZATIONS

Section 102 of the conference report makes clear that the details of the amounts authorized to be appropriated for intelligence and intelligence-related activities and applicable personnel ceilings covered under this title for fiscal year 2002 are contained in a classified Schedule of Authorizations. The classified Schedule of Authorizations is incorporated into the Act by this section. The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The classified annex provides the details of the Schedule. Section 102 is identical to section 102 of the House bill and section 102 of the Senate amendment.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS

Section 103 of the conference report authorizes the Director of Central Intelligence, with the approval of the Director of the Office of Management and Budget, in fiscal year 2002 to authorize employment of civilian personnel in excess of the personnel ceilings applicable to the components of the Intelligence Community under section 102 by an amount not too exceed two percent of the total of the ceilings applicable under section 102. The Director of Central Intelligence may exercise this authority only if necessary to the performance of important intelligence functions. Any exercise of this authority must be reported to the intelligence committees of the Congress.

The managers emphasize that the authority conferred by section 103 is not intended to permit wholesale increases in personnel strength in any intelligence component. Rather, the section provides the Director of Central Intelligence with flexibility to adjust personnel levels temporarily for contingencies and for overages caused by an imbalance between hiring of new employees and attrition of current employees. The managers do not expect the Director of Central Intelligence to allow heads of intelligence components to plan to exceed levels set in the Schedule of Authorizations except for the satisfaction of clearly identified hiring needs that are consistent with the authorization of personnel strengths in this bill. In no case is this authority to be used to provide for positions denied by this bill. Section 103 is identical to section 103 of the House bill and section 103 of the Senate amendment.

SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

Section 104 of the conference report authorizes appropriations for the Community Management Account (CMA) of the Director of Central Intelligence (DCI) and sets the personnel end-strength for the Intelligence Community management staff for fiscal year 2002.

Subsection (a) authorizes appropriations of $200,276,000 for fiscal year 2002 for the activities of the CMA of the DCI.

Subsection (b) authorizes 343 full-time personnel for the Community Management Staff for fiscal year 2002 and provides that such personnel may be permanent employees of the Staff or detailed from various elements of the United States Government.

Subsection (c) authorizes additional appropriations and personnel for the CMA as specified in the classified Schedule of Authorizations and permits these additional amounts to remain available through September 30, 2003.

Subsection (d) requires that, except as provided in Section 113 of the National Security Act of 1947, personnel from another element of the United States Government be detailed to an element of the CMA on a reimbursable basis, or for temporary situations of less than one year on a non-reimbursable basis.

Subsection (e) authorizes $44,000,000 of the amount authorized in subsection (a) to be made available for the National Drug Intelligence Center (NDIC). Subsection (e) requires the DCI to transfer these funds to the Department of Justice to be used for NDIC activities under the authority of the Attorney General and subject to section 103(d)(1) of the National Security Act. Subsection (e) is similar to subsection (e) of the House bill and subsection (e) of the Senate amendment.

The managers note that since Fiscal Year 1997 the Community Management Account has included authorization for appropriations for the National Drug Intelligence Center (NDIC). The committees periodically have expressed concern about the effectiveness of NDIC and its ability to fulfill the role for which it was created. The managers are encouraged by the NDIC's recent performance and by the refocused role for the organization. The conferees request that the Director of the NDIC provide a spending plan for fiscal year 2002 to the intelligence committees and to the appropriations committees within 90 days of enactment of this Act.

SEC. 105 CODIFICATION OF THE COAST GUARD AS AN ELEMENT OF THE INTELLIGENCE COMMUNITY

Section 105 is identical to Section 105 of the House bill. The Senate amendment had no similar provision. The Senate recedes.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS

Section 201 is identical to Section 201 of the Senate amendment and section 201 of the House bill.

TITLE III—GENERAL PROVISIONS

Subtitle A—Intelligence Community

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW

Section 301 is identical to Section 301 of the Senate amendment and section 301 of the House bill.

SEC. 302 RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES

Section 302 is identical to Section 302 of the Senate amendment and section 302 of the House bill.

SEC. 303 SENSE OF THE CONGRESS OF INTELLIGENCE COMMUNITY CONTRACTING

Section 303 is identical to Section 303 of the House bill. The Senate amendment had no similar provision. The Senate recedes.

SEC. 304. REQUIREMENTS FOR LODGING ALLOWANCES IN INTELLIGENCE COMMUNITY ASSIGNMENT PROGRAM BENEFITS

Section 304 is identical to Section 304 of the House amendment. The Senate amendment had no similar provision. The Senate recedes.

SEC. 305. MODIFICATION OF REPORTING REQUIREMENTS FOR SIGNIFICANT ANTICIPATED INTELLIGENCE ACTIVITIES AND SIGNIFICANT INTELLIGENCE FAILURES

Section 305 is identical to Section 305 of the Senate amendment. The House bill had no similar provision. The House recedes.

SEC. 306. REPORT ON IMPLEMENTATION OF RECOMMENDATIONS OF THE NATIONAL COMMISSION ON TERRORISM AND OTHER ENTITIES

Section 306 is similar to Section 307 of the House bill, which requires a report from the Director of Central Intelligence concerning whether and to what extent, the Intelligence Community has implemented the applicable recommendations set forth by the National Commission on Terrorism (Bremer Commission). The DCI report, which shall be due 120 days after enactment of this legislation, shall include a detailed explanation from the DCI as to the reasons for not implementing Intelligence Community-related recommendations contained within the three commission reports. The Senate amendment had no similar provision. The conferees agree to expand the DCI's reporting requirement to include applicable provisions of the US commission on National Security for the 21st Century and the second annual report of the so-called Gilmore Commission. The Senate amendment had no similar provision. The Senate recedes.

SEC. 307. JUDICIAL REVIEW UNDER FOREIGN NARCOTICS KINGPIN DESIGNATION ACT

Section 307 is identical to Section 303 of the Senate amendment. The House bill had no similar provision. The House recedes.

SEC, 308. MODIFICATION OF POSITIONS REQUIRING CONSULTATION WITH DIRECTOR OF CENTRAL INTELLIGENCE IN APPOINTMENTS

Section 308 is identical to Section 304 of the Senate amendment. The House bill had no similar provision. The House recedes.

SEC. 309. MODIFICATION OF AUTHORITIES FOR PROTECTION OF INTELLIGENCE COMMUNITY EMPLOYEES WHO REPORT URGENT CONCERNS TO CONGRESS

Section 309 is identical to Section 306 of the Senate amendment. The House bill had no similar provision. The House recedes.

SEC. 310. REVIEW OF PROTECTIONS AGAINST THE UNAUTHORIZED DISCLOSURE OF CLASSIFIED INFORMATION

Section 310 is identical to Section 307 of the Senate amendment. The House bill had no similar provision. The House recedes. The conferees expect a report no later than May 1, 2002, from the Attorney General providing a comprehensive review of current protections against the unauthorized disclosure of classified information.

SEC. 311. ONE-YEAR SUSPENSION OF REORGANIZATION OF DIPLOMATIC TELECOMMUNICATIONS SERVICE PROGRAM OFFICE

Section 311 is identical to Section 309 of the Senate amendment. The House bill had no similar provision. The House recedes.

SEC. 312. PRESIDENTIAL APPROVAL AND SUBMISSION TO CONGRESS OF NATIONAL COUNTERINTELLIGENCE STRATEGY AND NATIONAL THREAT IDENTIFICATION AND PRIORITIZATION ASSESSMENTS

Section 312 is identical to Section 310 of the Senate amendment. The House bill had no similar provision. The House recedes.

SEC. 313. REPORT ON ALIEN TERRORIST REMOVAL PROCEEDINGS

Section 313 is identical to section 312 of the Senate amendment. The House bill had no similar provision. The House recedes.

SEC. 314. TECHNICAL AMENDMENTS

Extension of Time to Seek FISA Ratification of Attorney General-authorized Electronic Surveillance and Physical Searches

Under current law, the Attorney General may authorize electronic surveillance or a search without a court order when he concludes, first, that the factual basis for granting such an order exists and, second, that an emergency exists requiring action before a court order may be obtained. 50 U.S.C. §§1805(f), 1824(e). Current law requires the Government to prepare a complete FISA application and present it to the FISA court for approval within 24 hours ''after the Attorney General authorizes'' the surveillance or search. Failure to do so results in the suppression of information from the surveillance or search.

Given the length and complexity of many FISA applications, the need to verify the accuracy of each FISA declaration by review in the field, the requirement that the Government obtain both a written certification from the director of the FBI (or a similar official) and the written approval of the Attorney General, it often is extremely difficult to meet the 24-hour deadline. This is especially true where—as often will be the case—the emergency authorization comes in the midst of a larger emergency requiring the personal attention of the Attorney General and the Director of the FBI. The emergency authorization provision of title III wiretaps, 18 U.S.C. §2518(7), sets a deadline of 48-hours, and starts the 48-hour clock not at the time of authorization, but only once the interception ''has occurred, or begins to occur.''

The conferees agreed to a provision to extend the time for judicial ratification of an emergency FISA surveillance or search from 24 to 72 hours. That would give the Government adequate time to assemble an application without requiring extraordinary effort by officials responsible for the preparation of those applications. The additional 48 hours for FISA applications is appropriate given their complexity and the need for higher-level approval for FISA applications than for applications under title III. The additional time is also appropriate given that the deadline for submission of applications under FISA begins when the Attorney General authorizes the surveillance or search, rather than when the surveillance or search actually occurs, as is the case under title III.

Multipoint Wiretaps

The multipoint wiretap amendment to FISA in the USA PATRIOT Act (section 206) allows the FISA court to issue generic orders of assistance to any communications provider or similar person, instead of to a particular communications provider. This change permits the Government to implement new surveillance immediately if the FISA target changes providers in an effort to thwart surveillance. The amendment was directed at persons who, for example, attempt to defeat surveillance by changing wireless telephone providers or using pay phones.

Currently, FISA requires the court to ''specify'' the ''nature and location of each of the facilities or places at which the electronic surveillance will be directed.'' 50 U.S.C. §1805(c)(1)(B). Obviously, in certain situations under current law, such a specification is limited. For example, a wireless phone has no fixed location and electronic mail may be accessed from any number of locations.

To avoid any ambiguity and clarify Congress' intent, the conferees agreed to a provision which adds the phrase, ''if known,'' to the end of 50 U.S.C. §1805(c)(1)(B). The ''if known'' language, which follows the model of 50 U.S.C. §1805(c)(1)(A), is designed to avoid any uncertainty about the kind of

specification required in a multipoint wiretap case, where the facility to be monitored is typically not known in advance.

Non-conformity of FISA Subsections 501(a)(1) and 501(b)(2)

Section 215 of the USA PATRIOT Act of 2001 amended title V of the FISA, adding a new section 501. Section 501(a)(1) now authorizes the director of the FBI to apply for a court order to produce certain records ''for an investigation to protect against international terrorism or clandestine intelligence activities.'' Section 501(b)(2) directs that the application for such records specify that the purpose of the investigation is to ''obtain foreign intelligence information not concerning a United States person.'' However, section 501(a)(1), which generally authorizes the applications, does not contain equivalent language. Thus, subsections (a)(1) and (b)(2) now appear inconsistent.

The conferees agreed to a provision which adds the phrase ''to obtain foreign intelligence information not concerning a United States person or'' to section 501(a)(1). This would make the language of section 501(a)(1) consistent with the legislative history of section 215 of the USA PATRIOT Act (*see* 147 Cong. Res. S11006 (daily ed. Oct. 25, 2001) (sectional analysis)) and with the language of section 214 of the USA PATRIOT Act (authorizing an application for an order to use pen registers and trap and trace devices to ''obtain foreign intelligence information not concerning a United States person'').

Clarification of Intelligence Exception

Section 203(b)(2) of the USA PATRIOT Act added a definition of ''foreign intelligence information'' to chapter 119 of title 18, United States Code. The existing intelligence exception from certain chapters of title 18—i.e., chapters 119, 121, and 206—is contained in chapter 119 (at 18 U.S.C. §2511(2)(f)) and uses the term ''foreign intelligence information'' to define the scope of the exception. As a result, the new definition of ''foreign intelligence information'' added by section 203(b)(2) could potentially be read to limit the intelligence exception—particularly when compared to the National Security Act definition of ''foreign intelligence'' (50 U.S.C. §401(a)).

Other Technical Amendments

The conferees agreed to provisions correcting several drafting problems in the text of the USA PATRIOT Act. First, section 207(b)(1) of the PATRIOT ACT refers to section 105(d)(2) instead of section 105(e)(2) and to 50 U.S.C. §1805(d)(2) instead of 50 U.S.C. §1805(e)(2). Second, section 215 (creating new section 502 of FISA) refers to ''section 402'' instead of ''section 501'' in the last line of new section 502(a) and in the last line of new section 502(b)(1). Third, section 225 adds a new subsection (h) immediately following 50 U.S.C. §1805(g), but it should add a new subsection (i) immediately following 50 U.S.C. §1805(h).

Fourth, the title of section 225 is ''Immunity for Compliance with FISA Wiretap'' and it is an amendment to 50 U.S.C. §1805, both of which suggest that it applies only to electronic surveillance and not to physical searches or other activity authorized by FISA. However, the text of section 225 refers to court orders and requests for emergency assistance ''under this Act,'' which makes clear that it applies to physical searches (and pen-trap requests—for which there already exists an immunity provision, 50 U.S.C. §1842(f)—and subpoenas) as well as to electronic surveillance.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

SEC. 401. MODIFICATIONS TO CENTRAL INTELLIGENCE AGENCY'S CENTRAL SERVICE PROGRAM

Section 401 is identical to Section 401 of the House bill and Section 402 of the Senate amendment.

SEC. 402. ONE-YEAR EXTENSION OF CENTRAL INTELLIGENCE AGENCY VOLUNTARY SEPARATION PAY ACT

Section 402 is identical to Section 402 of the House bill and section 401 of the Senate amendment.

SEC. 403. GUIDELINES FOR RECRUITMENT OF CERTAIN FOREIGN ASSETS

Section 403 addresses the CIA's 1995 guidelines on recruitment of foreign assets and sources. The House bill noted the concern that excessive caution and a burdensome vetting process resulting from the 1995 guidelines have undermined the CIA's ability and willingness to recruit assets, especially those who would provide insights into terrorist organizations and other hard targets.

The conferees believe that the concerns expressed in the House bill are justified and that, despite the changes to the 1995 guidelines that the Director of Central Intelligence made in September, the current guidelines must be rescinded and replaced with new guidelines. The conferees intend that a new balance be struck between potential gain and risk, a balance that recognizes concerns about egregious human rights behavior and law breaking, while providing much needed flexibility to take advantage of opportunities to gather important information as those opportunities present themselves. Moreover, the conferees believe that the goals and priorities for human collection must be weighted toward collecting the type of information that will provide plans and intentions of those who would threaten American national security, in a timeframe that will allow maximum opportunity to prevent actions against American interests. The conferees acknowledge that it may not always be possible to collect such information in every case, but this must be a focus for planning future HUMINT collection efforts if such collection is going to be preventative in nature rather than reactive. The Senate amendment had no similar provision. The Senate recedes.

SEC. 404. FULL REIMBURSEMENT FOR PROFESSIONAL LIABILITY INSURANCE OF COUNTERTERRORISM EMPLOYEES

Section 404 is identical to Section 404 of the House bill. The Senate amendment had no similar provision. The Senate recedes.

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

SEC. 501. AUTHORITY TO PURCHASE ITEMS OF NOMINAL VALUE FOR RECRUITMENT PURPOSES

Section 501 is identical to Section 501 of the House bill. The Senate amendment had no similar provision. The Senate recedes.

SEC. 502. FUNDING FOR INFRASTRUCTURE AND QUALITY-OF-LIFE IMPROVEMENTS AT MENWITH HILL AND BAD AIBLING STATIONS

Section 502 is similar to Section 502 of the House bill. The provision is intended to facilitate the transfer or reprogramming of funds from the Departments of the Army, Air Force, and Navy as necessary to support the enhancement of the infrastructure of Menwith Hill and Bad Aibling stations. The Senate amendment had no similar provision. The Senate recedes.

SEC. 503. MODIFICATION OF AUTHORITIES RELATING TO OFFICIAL IMMUNITY IN INTERDICTION OF AIRCRAFT ENGAGED IN ILLICIT DRUG TRAFFICKING

Section 503 is identical to Section 503 of the House bill and Section 308 of the Senate amendment.

SEC. 504. UNDERGRADUATE TRAINING PROGRAM FOR EMPLOYEES OF THE NATIONAL IMAGERY AND MAPPING AGENCY

Section 504 is identical to Section 504 of the House bill. The Senate amendment had no similar provision. The Senate recedes.

SEC. 505. PREPARATION AND SUBMITTAL OF REPORTS, REVIEWS, STUDIES, AND PLANS RELATING TO DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

Section 505 is identical to Section 311 of the Senate amendment. The House bill had no similar provision. The House recedes.

SEC. 506. ENHANCEMENT OF SECURITY AUTHORITIES OF NATIONAL SECURITY AGENCY

Section 506 authorizes the National Security Agency (NSA) security protective officers to exercise their law enforcement functions 500 feet beyond the confines of NSA facilities. At present, NSA's protective jurisdiction does not extend beyond the territorial bounds of its perimeter fences. Additionally, NSA has to rely on several federal, state, and local jurisdictions to respond to threats that occur just outside its fence line. With so many jurisdictions involved, there is a chance that a necessary response could be slowed and thus ineffective. In addition, under current law (Section 11 of the National Security Agency Act of 1959) the Administrator of General Services, upon the application of the Director of NSA, may provide for the protection of those facilities that are under the control of or use by the National Security Agency. The General Services Administration has delegated this authority to NSA. This amendment to the National Security Agency Act would provide NSA with the organic authority needed to protect its facilities and personnel without having to obtain a delegation of authority from the General Services Administration. This section parallels authority the Central Intelligence Agency currently has in section 15 of the CIA Act of 1949 (50 U.S.C. 403o).

The attacks of September 11, 2001 demonstrated the growing threat of terrorism in the United States. The conferees believe the NSA's authority to have a protective detail should be clarified and enhanced 500 feet beyond the confines of NSA's facilities, but were sensitive to the public's reaction to an unlimited grant of law enforcement jurisdiction outside NSA's borders. Therefore, the exercise of this new authority is expressly limited to only those circumstances where NSA security protective officers can identify specific and articulable facts giving them reason to believe that the exercise of this authority is necessary to protect against physical damage or injury to NSA installations, property, or employees. This provision also expressly states that the rules and regulations prescribed by the Director of the NSA for agency property and installations do not extend into the 500 foot area established by this provision. Thus, there will be no restrictions, for example, on the taking of photographs within the 500 foot zone.

The conferees do not envision a general grant of police authority in the 500 foot zone, but do envision NSA security protective officers functioning as federal police, for limited purposes, within the 500 foot zone with all attendant authorities, capabilities, immunities, and liabilities. The conferees expect the Director of NSA to coordinate and establish Memoranda of Understanding with all federal, state, or local law enforcement agencies with which NSA will exercise concurrent jurisdiction in the 500 foot zones. The Director of NSA shall submit such Memoranda of Understanding to the Select Committee on Intelligence and the Armed Services Committee of the Senate and the Permanent Select Committee on Intelligence

and the Armed Services Committee of the House of Representatives. The Director of NSA is also expected to develop a training plan to familiarize the Agency's security protective officers with their new authorities and responsibilities. The Director of NSA shall submit such plan to the Select Committee on Intelligence and the Armed Services Committee of the Senate and the Permanent Select Committee on Intelligence and the Armed Services Committee of the House of Representatives not later than 30 days after the enactment of this provision.

Section 506 also includes a reporting requirement so that the intelligence committees may closely scrutinize the exercise of this new authority.

Items Not Included

Section 306 of the House bill contained a provision establishing, with respect to the terrorist attacks of September 11, 2001, a federal commission on the national security readiness of the United States. The Senate bill had no similar provision. The House recedes.

From the Permanent Select Committee on Intelligence, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

PORTER J. GOSS,
DOUGLAS BEREUTER,
MICHAEL N. CASTLE,
SHERWOOD BOEHLERT,
JIM GIBBONS,
RAY LAHOOD,
DUKE CUNNINGHAM,
PETE HOEKSTRA,
RICHARD BURR,
SAXBY CHAMBLISS,
NANCY PELOSI,
SANFORD BISHOP,
JANE HARMAN,
GARY CONDIT,
TIM ROEMER,
ALCEE L. HASTINGS,
LEONARD L. BOSWELL,
COLLIN C. PETERSON,
Managers on the Part of the House.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MCNULTY (at the request of Mr. GEPHARDT) for today after 4:30 p.m. on account of personal business.

Mr. GREEN of Texas (at the request of Mr. GEPHARDT) for today after 5:00 p.m. on account of personal business.

Mrs. MORELLA (at the request of Mr. ARMEY) for today until 12:00 noon on account of attending a funeral.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. JACKSON-LEE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. SHOWS, for 5 minutes, today.

Mr. UNDERWOOD, for 5 minutes, today.

Mr. HINOJOSA, for 5 minutes, today.

Mr. SANDERS, for 5 minutes, today.

Ms. SANCHEZ, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Ms. BROWN of Florida, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

ENROLLED JOINT RESOLUTION SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 76. Joint resolution making further continuing appropriations for the fiscal year 2002, and for other purposes.

ADJOURNMENT

Ms. JACKSON-LEE of Texas. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 15 minutes p.m.), under its previous order, the House adjourned until Monday, December 10, 2001, at 2 p.m.

NOTICE OF PROPOSED RULEMAKING

U.S. CONGRESS,
OFFICE OF COMPLIANCE,
Washington, DC, November 13, 2001.

Hon. J. DENNIS HASTERT,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to section 4(c)(4) of the Veterans Employment Opportunities Act of 1998 (''VEOA'') (2 U.S.C. §1316a(4)) and section 304(b) of the Congressional Accountability Act of 1995 (2 U.S.C. §1384(b)), I am submitting on behalf of the Office of Compliance, U.S. Congress, this notice of proposed rulemaking for publication in the Congressional Record. This notice seeks comment on substantive regulations being proposed to implement section 4(c) of VEOA, which affords to covered employees of the legislative branch the rights and protections of selected provisions of veterans' preference law.

Very truly yours,

SUSAN S. ROBFOGEL,
Chair of the Board.

OFFICE OF COMPLIANCE

The Veterans Employment Opportunities Act of 1998: Extension of Rights and Protections Relating to Veterans' Preference Under Title 5, United States Code, to Covered Employees of the Legislative Branch

NOTICE OF PROPOSED RULEMAKING

Summary: The Board of Directors of the Office of Compliance (''Board'') is publishing proposed regulations to implement section 4(c)(4) of the Veterans Employment Opportunities Act of 1998 (''VEOA''), Pub. L. 105–339, 112 Stat. 3186, codified at 2 USC §1316a, as applied to covered employees of the House of Representatives, the Senate, and certain Congressional instrumentalities.

The VEOA applies to the legislative branch the rights and protections pertaining to veterans' preference established under section 2108, sections 3309 through 3312, and subchapter I of chapter 35, of title 5, United States Code (''USC'').

This Notice proposes that identical regulations be adopted for the Senate, the House of Representatives, and the six Congressional instrumentalities and for their covered employees. Accordingly:

(1) *Senate.* It is proposed that regulations as described in this Notice be included in the body of regulations that shall apply to the Senate and employees of the Senate, and this proposal regarding the Senate and its employees is recommended by the Office of Compliance's Deputy Executive Director for the Senate.

(2) *House of Representatives.* It is further proposed that regulations as described in this Notice be included in the body of regulations that shall apply to the House of Representatives and employees of the House of Representatives, and this proposal regarding the House of Representatives and its employees is recommended by the Office of Compliance's Deputy Executive Director for the House of Representatives.

(3) *Certain Congressional instrumentalities.* It is further proposed that regulations as described in this Notice be included in the body of regulations that shall apply to the Capitol Guide Service, the Capitol Police, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, and the Office of Compliance, and their employees; and this proposal regarding these six Congressional instrumentalities is recommended by the Office of Compliance's Executive Director.

Dates: Interested parties may submit comments within 30 days after the date of publication of this Notice of Proposed Rulemaking in the Congressional Record.

Addresses: Submit written comments (an original and 10 copies) to the Chair of the Board of Directors, Office of Compliance, Room LA 200, John Adams Building, 110 Second Street, S.E., Washington, DC 20540–1999. Those wishing to receive notification of receipt of comments are requested to include a self-addressed, stamped post card. Comments may also be transmitted by facsimile machine to (202) 426–1913. This is not a toll-free call. Copies of comments submitted by the public will be available for review at the Law Library Reading Room, Room LM–201, Law Library of Congress, James Madison Memorial Building, Washington, DC, Monday through Friday, between the hours of 9:30 a.m. and 4:00 p.m.

For Further Information Contact: Executive Director, Office of Compliance at (202) 724–9250. This notice is also available in the following formats: large print, Braille, audiotape, and electronic file on computer disk. Requests for this notice in an alternative format should be made to the Director, Central Operations Department, Office of the Senate Sergeant at Arms, (202) 224–2705.

Supplementary Information:

Background

The Veterans Employment Opportunities Act of 1998[1] ''strengthen[s] and broadens''[2] the rights and remedies available to military veterans who are entitled, under the Veterans' Preference Act of 1944[3] (and its amendments), to preferred consideration in appointment to the Federal civil service of the executive branch and in retention during reductions in force (''RIFs''). In addition, and most relevant to this NPR, VEOA affords to ''covered employees'' of the legislative branch (as defined by section 101 of the Congressional Accountability Act (''CAA'') (2 USC §1301)) the rights and protections of selected provisions of veterans' preference law. VEOA §4(c)(2). The selected statutory sections made applicable to such legislative

[1] Pub. L. 105–339, 112 Stat. 3186 (Oct. 31, 1998).

[2] Sen. Rept. 105–340, 105 Cong., 2d Sess. at 19 (Sept. 21, 1998).

[3] Act of June 27, 1944, ch. 287, 58 Stat. 387, amended and codified in various provisions of Title 5, USC.

branch employees by VEOA may be summarized as follows.

A definitional section prescribes the categories of military veterans who are entitled to preference (''preference eligible''). 5 USC §2108. Generally, a veteran must be disabled or have served on active duty in the Armed Forces during certain specified time periods or in specified military campaigns to be entitled to preference. In addition, certain family members (mainly spouses, widow[er]s, and mothers) of preference eligible veterans are entitled to the same rights and protections.

In the appointment process, a preference eligible individual who is tested or otherwise numerically evaluated for a position in the competitive service is entitled to have either 5 or 10 points added to his/her score, depending on his or her military service, or disabling condition. 5 USC §3309. Where experience is a qualifying element for a job in the competitive service, a preference eligible individual is entitled to credit for having relevant experience in the military or in various civic activities. 5 USC §3311. Where physical requirements (age, height, weight) are a qualifying element for a position in the competitive service, preference eligible individuals (including those who are disabled) may obtain a waiver of such requirements in certain circumstances. 5 USC §3312. For certain positions in the competitive service (guards, elevator operators, messengers, custodians), only preference eligible individuals can be considered for hiring so long as such individuals are available. 5 USC §3310.

Finally, in prescribing retention rights during RIFs for positions in both the competitive and in the excepted service, the sections in subchapter I of chapter 35 of Title 5, USC, with a slightly modified definition of ''preference eligible,'' require that employing agencies give ''due effect'' to the following factors: (a) employment tenure (i.e., type of appointment); (b) veterans' preference; (c) length of service; and, (d) performance ratings. 5 USC §§3501, 3502. Such considerations also apply where RIFs occur in connection with a transfer of agency functions from one agency to another. 5 USC §3503. In addition, where physical requirements (age, height, weight) are a qualifying element for retention, preference eligible individuals (including those who are disabled) may obtain a waiver of such requirements in certain circumstances. 5 USC §3504.

On February 28, 2000, and March 9, 2000, an Advanced Notice of Proposed Rulemaking (''ANPR'') was published in the Congressional Record (144 Cong. Rec. S862 (daily ed., Feb. 28, 2000), H916 (daily ed., Mar. 9, 2000)). The ANPR identified a number of interpretative issues on which the Board sought public comment in order to assist it in proposing the substantive regulations mandated under section 4(c)(4) of VEOA. The Board had sought to obtain an array of information regarding the employment policies and practices in the various employing offices affected by VEOA. In addition, the Board sought to gain any relevant information that might aid the Board in interpreting VEOA. In response to the ANPR, the Board received two written comments, one of which was from a local unit of a labor organization and the other of which was from the national office of the same labor organization. Both comments focused on the issue of whether the term *guard* in section 3310 of 5 USC, applied by VEOA, should be interpreted to included officers and other employees of the U.S. Capitol Police. The Board received no further public input to assist it in resolving the other issues outlined in the ANPR. Therefore, the Board upon its own further research and study has decided to propose substantive regulations implementing the relevant portions of VEOA. What follows is a discussion of how the Board, tentatively at least, proposes to address the thirteen interpretative issues identified in the ANPR.

Discussion of interpretative issues

Interpretation of term ''competitive service'' and ''excepted service'' as applied to the legislative branch [Issues (1)–(7)].

The ANPR observed that VEOA confers upon covered employees the statutory rights and protections of veterans' preference in appointments to the ''competitive service.'' The ANPR also explained that veterans'' preference rights in the context of a reduction in force, as provided in the application of subchapter I of chapter 35 of title 5, USC and under VEO, are, with one exception, applicable to both the competitive service and to the excepted service. Moreover, OPM's implementing regulations regarding reductions in force, set forth in 5 CFR part 351, are couched in terms that assume application to the ''competitive service'' and the ''excepted service.'' Thus the definitions of these two terms, as applied to the legislative branch by virtue of VEOA, are central to a determination of the substantive veterans' preference rights which now apply to covered employees.

The Board received no written comments in response to a series of questions exploring how to interpret these statutory categories of Federal service. In the absence of illuminating comment or contrary definitions in VEOA, the Board believes that it must define these terms in accordance with their meaning under derivative sections of title 5, USC, made applicable by VEOA. This conclusion is supported by a directive in VEOA to issue regulations that are consistent with section 225 of the CAA (2 USC §1361), one of whose subsections embraces a rule of construction that ''definitions and exemptions in the laws made applicable by this [Congressional Accountability] Act shall apply under this [Congressional Accountability] Act.'' This section enables the Board to flesh out the meaning and scope of the various federal employment laws made applicable under the CAA by referring to their respective definitions and exemptions even though they are not expressly cited in the CAA.[4]

Section 2102 of Title 5 USC, as applied under VEOA, presents a three-fold definition of the term ''competitive service'': First, the competitive service consists of ''all civil service positions in the *executive branch*,'' with exceptions for (a) positions specifically excepted from the competitive service by statute , (b) positions requiring Senate confirmation, and (c) positions in the Senior Executive Service.[5] 5 USC §2102(a)(1)(A)–(C) (emphasis added). Second, the competitive service includes ''civil positions not in the executive branch which are specifically included in the competitive service by statute.'' 5 USC §2102(a)(2). Third, the competitive service encompasses those ''positions in the government of the District of Columbia which are specifically included in the competitive service by statute.'' 5 USC §2102(a)(3).

Section 2103 of Title 5 further defines the ''excepted service'' to include all ''civil service positions which are not in the competitive or the Senior Executive Service.'' 5 U.S.C. §2103. And section 2101 of that Title defines the ''civil service'' to include ''all appointive positions in the executive, judicial, and legislative branches of the Government of the United States, except positions in the uniformed services.'' 5 U.S.C. §2101(1).

As applied under VEOA, it would seem that section 225 requires the Board to issue regulations that take into account the definitions (and exemptions) accompanying the civil service laws from which the rights and protections of veterans' preference are derived. Accordingly, the Notice proposes a section, in the form of a proviso, requiring that the terms ''competitive service'' and ''excepted service'' in the proposed regulations be defined in reference to their statutory meaning in Title 5, USC. Where an applied regulation refers to the ''competitive service,'' such term shall have the meaning as provided in 5 USC §2102(a)(2). Where an applied regulation refers to the ''exempted service,'' such term shall have the meaning as provided in 5 USC §2103. Consistent with the definition under section 2103, it is the position of the Board that all ''covered employees''[6] holding civil service positions in the legislative branch are within the definition of excepted service, unless otherwise designated by statute as being competitive service or Senior Executive Service positions.[7]

The Board recognizes that the adoption of these definitions, consistent with the mandate of section 225, yields an unusual result in that no ''covered employee'' in the legislative branch currently satisfies the definition of ''competitive service.'' Moreover, as the substantive protections of veterans' preference in legislative branch appointment apply only to ''competitive service'' positions, the regulations which the Board proposes regarding preference in appointment would with one noted exception, currently

[4] *Compare* Notice of Proposed Rulemaking [Fair Labor Standards Act regulations under Congressional Accountability Act], 141 CONG. REC. S17603, S17604 (Daily Ed. Nov. 28, 1995)(in proposing the substantive regulations of the FLSA, 29 USC §201 *et seq.*, the Board cited section 225(f)(1) of the CAA as requiring the application of the FLSA definition of ''wages'' in 29 USC §203(m).

[5] These generally are high-level, managerial positions in the executive department whose appointment does not require Senate confirmation. *See* 5 USC §3123 (a)(2), which defines the term ''Senior Executive Service position.''

[6] The definition of ''covered employee'' under section VEO §4(c)(1) has the same meaning as the term under section 101 of the CAA, 2 USC §1302, which includes any employee of the House of Representatives, the Senate, the Capitol Guide Service, the Capitol Police, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, the Office of Compliance, or the Office of Technology Assessment. Under VEO §4(c)(5), the following employees are excluded from the term ''covered employee'': (A) presidential appointees confirmed by the Senate, (B) employees appointed by a Member of Congress or by a committee or subcommittee of either House of Congress, and (C) employees holding positions the duties of which are equivalent to those in Senior Executive Service.

[7] In the ANPR the Board had initially suggested that no ''covered employees'', as defined by VEOA, fall within the meaning of ''excepted service.'' Upon further review of the governing statutes, the Board herein submits that many ''covered employees'' within the legislative branch are encompassed by the term ''excepted service'' as discussed above. The definition of ''covered employee'' under section VEO §4(c)(1) has the same meaning as the term under section 101 of the CAA, 2 USC §1302, which includes any employee of the House of Representatives, the Senate, the Capitol Guide Service, the Capitol Police, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, the Office of Compliance, or the Office of Technology Assessment. Under VEO §4(c)(5), the following employees are excluded from the term ''covered employee'': (A) presidential appointees confirmed by the Senate, (B) employees appointed by a Member of Congress or by a committee or subcommittee of either House of Congress, and (C) employees holding positions the duties of which are equivalent to those in Senior Executive Service. Consistent with the definition at section 2103 of title 5, USC, any covered employee within the legislative branch who holds a civil service position which is not in the Senior Executive Service and which is not in the competitive service is encompassed within the definition of ''excepted service.'' The regulations which the Board here proposes reflect this interpretation of the governing statutes.

apply to no one.[8] However, should Congress, by statute, hereinafter designate any civil service positions in the legislative branch as ''competitive service'' positions, then consistent with the second definition of section 2102(a)(2) and the parallel regulation proposed herein, the substantive regulations regarding veterans' preference in appointment would apply.

Authority of Board to exercise powers and responsibilities similar to that of OPM in executing, administering, and enforcing the federal service system [Issues (8)–(10)].

The ANPR contrasted the regulatory authority vested in OPM and in the Board of Directors of the Office of Compliance with respect to personnel management matters. Congress has established OPM as an independent agency in the executive branch and authorized it to exercise broad powers administering the civil service laws. See 5 U.S.C. §§1101, 1103–04, 1301–04.[9] It has a number of significant responsibilities, including the promulgating of rules and regulations that implement the various civil service laws and the classifying of positions in the executive branch for purposes of appointment, pay, and promotion. In addition, OPM exercises broad administrative powers over the competitive service, including the authority to develop and conduct examinations for the appointment of applicants into the competitive service and the authority to administer rules exempting positions from the competitive service.[10]

The ANPR concluded that VEOA does not vest the Board of Directors with authority comparable to that of OPM to execute, administer, and enforce a civil service system within the legislative branch. This is most clearly evident from the fact that VEOA did not make applicable to the Board the powers and responsibilities exercised by OPM under 5 U.S.C. §§1103–04, 1301–04, among other sections.

Insofar as the Board's authority under VEOA is not coextensive with that of OPM, the ANPR identified two legal implications. First, the Board's power to promulgate veterans' preference regulations that are the ''same as'' those of OPM may be circumscribed to some degree. To illustrate, if OPM has promulgated a regulation under the combined authority of two statutory sections, A and B, but the Board is given authority only under section A, any corresponding regulation proposed by the Board must be tailored to reflect only the standard, directive, or power of section A. Thus, some regulations of OPM may have to be adopted with modifications to reflect their narrower statutory basis. Other OPM regulations may not be adopted at all simply because the Board does not have the underlying statutory authority.

The second implication identified by the ANPR was that where the veterans' preference regulations contemplate a role by OPM,[11] the Board of Directors might not be empowered to exercise a comparable administrative role with respect to personnel matters in the legislative branch.

The Board received no written comments addressing these issues. Upon further study and reflection, the Board has concluded that the if the provisions of VEOA are to be given their plain meaning, the Board must propose only those OPM regulations, modified as necessary, that can be linked to those statutory sections whose rights and protections have been made applicable to covered employees in the legislative branch. The Board further concludes that VEOA does not vest the Board of Directors of the Office of Compliance with the broad-ranging authority to execute, administer, and enforce a civil service system in the legislative branch.[12] Accordingly, in certain of the proposed regulations the references to OPM have been deleted. To the extent that the executive branch regulations directed OPM to exercise certain responsibilities, including setting of standards, exercising review of agency determinations, and engaging in oversight, those duties have been eliminated in the proposed regulations.

Interpretation of provision restricting certain positions, including guards, to preference eligibles [Issue (11)].

With respect to ''competitive service'' positions restricted to preference eligible individuals under 5 USC §3310, as applied by VEOA, namely guards, elevator operators, messengers, and custodians, the Board sought information and comment on a series of issues, including the identity, in the legislative branch, of guard, elevator operator, messenger, and custodian positions within the meaning of these statutory terms. A specific question was posed whether police officers and other employees of the United State Capitol Police should be considered ''guards.'' As noted previously, the only two written comments received in response to the ANPR addressed this latter issue.

Both comments argued that the term ''guard'' should not be interpreted to include officers of the U.S. Capitol Police. One comment contrasted the use of key terms within chapter 33 of Title 5, USC, which governs the examination, selection, and placement of personnel in the competitive service and from which selected provisions made applicable under VEOA to the legislative branch are drawn. Section 3310, which is made applicable by VEOA, uses the term ''guard.'' In contrast, section 3307, which addresses maximum-age requirements in the competitive service and which is not made applicable under VEOA, refers to ''law enforcement officer.'' Because of this differentiation within the same chapter of the U.S. Code, the commenter suggests that Congress could not have intended to treat a ''guard'' under section 3310 as analogous to a ''law enforcement officer.'' Since U.S. Capitol police officers have the authority of law enforcement officers (see 40 USC §§212–212a), they are not ''guards'' for purposes of section 3310 as applied.

The other comment makes a similar distinction between guards and law enforcement officers, relying upon the interpretations of OPM, which is responsible for administering the Federal government's occupation classification system. The commenter cites to two OPM publications, *Grade Evaluation Guide for Police and Security Guard Positions, GS–0083/GS–0085* and *Digest of Significant Classification Decisions and Opinions,* No. 8, April 1986. Together, these publications establish a distinction between police officers and guards in the executive branch.

The Board finds that the comments make a persuasive case for not equating officers of the U.S. Capitol Police with ''guards'' under section 3310 as applied by VEOA. The proposed rule includes a provision that explicitly excludes law enforcement officer positions of the U.S. Capitol Police from the substantive regulations implementing section 3310 as applied by VEOA.

Executive branch regulations that either should not be adopted or should be adopted with modification [Issues (12)–(13)].

The Board received no written comments addressing the questions posed in the ANPR as to which substantive regulations should not be adopted because they are based on statutory provisions that have not been made applicable under VEOA. Similarly, no comments were received on what modifications should be adopted to make the regulations more effective for the implementation of the rights and protections made applicable under VEOA.

Nevertheless, as explained above in the discussion concerning its authority to exercise powers comparable to OPM's, the Board has concluded that it may not propose regulations that are not based on statutory rights and protections made applicable under VEOA. Conversely, the Board believes that the regulations proposed in this Notice most appropriately fulfill the statutory mandate to adopt regulations that are the ''same as the most relevant substantive regulations (applicable with respect to the executive branch) promulgated to implement the statutory provisions'' of VEOA. To the extent that modifications are being proposed, the Board believes that they are warranted to reflect the more limited statutory authority which VEOA vests in the Board.

Special provision for coverage of Architect of the Capitol

While drafting the proposed regulations following the receipt of written comments to the ANPR, it came to the attention of the Board that the Office of the Architect of the Capitol has been under a special statutory mandate with respect to managing and supervising its human resources. Because AOC

[8] The Board proposes the potential application of the substantive regulations regarding veterans' preference in the appointment process insofar as the Office of the Architect of the Capital, pursuant to the Architect of the Capital Human Resources Act, has established a personnel management system with features analogous to the ''competitive service'' as defined in §2102(a)(2) of Title 5, USC. See Section 1.106 *infra*.

[9] *See also* 5 CFR §5.1, issued by the President, which states that the ''Director, Office of Personnel Management, shall promulgate and enforce regulations necessary to carry out the provisions of the Civil Service Act and the Veterans' Preference Act, as reenacted in Title 5, United States Code, the Civil Services Rules, and all other statutes and Executive orders imposing responsibilities on the Office.''

[10] The following summary explains in part the role of the OPM in the appointment of employees to competitive service positions in executive branch agencies:

''An employee typically becomes a member of the ''competitive service'' by taking an examination administered by the Office of Personnel Management (''OPM''). See 5 U.S.C. §3304 (1976 & Supp. V 1981). An applicant who meets the minimum requirements for entrance to an examination, and who receives a rating of 70 or more on the examination, is known as an ''eligible.'' 5 C.F.R. §§210.102(b)(5), 337.101(a) (1983). OPM is required to enter on a civil service ''register'' the names of all eligibles in accordance with their numerical rankings. 5 C.F.R. §332.401 (1983).

''An agency seeking to hire an employee must submit a request to OPM for a ''certificate'' of eligibles. When OPM receives a request for certification of eligibles, it prepares a certificate by selecting names from the head of the appropriate register. This certificate consists of a sufficient number of names to permit the agency to consider three eligibles for each vacancy, 5 C.F.R. §332.402 (1983), the so-called ''rule-of-three.'' A hiring official from the agency, known as the ''appointing officer,'' 5 C.F.R. §210.102(b)(1) (1983), is obliged to fill each vacancy ''with sole regard to merit and fitness'' from the three eligibles ranking highest on the certificate who are available for appointment. 5 C.F.R. §332.404 (1983).'' *Hondros* v. *Unites States Civil Service Commission*, 720 F.2d 278, 280–82 (3d Cir. 1983) (footnotes omitted).

[11] *See, e.g.,* 5 CFR §§330.401 (OPM's role in competitive examination in restricted positions), 330.403 (OPM's role in filling restricted positions by noncompetitive action of a nonpreference eligible), 332.401 (OPM's responsibility to maintain registers of eligibles), 337.101 (OPM's role in rating applicants).

[12] *Compare* Notice of Proposed Rulemaking [Fair Labor Standards Act regulations under Congressional Accountability Act], 141 Cong. Rec. S17603, S17604 (Daily Ed. Nov. 28, 1995)(explaining that because the CAA did not incorporate the notice posting and recordkeeping requirements of section 11 of the FLSA, 29 USC §211, the Board determined that it may not impose by substantive regulations such requirements on employing offices).

is part of the legislative branch, it has not generally been subject to many of the statutes that regulate personnel policy for Federal agencies. As a consequence, the General Accounting Office reported in 1994 that AOC's personnel system was deficient in many respects. GAO, ''Federal Personnel: Architect of the Capitol's System Needs Improvement,'' B–256160 (April 29, 1994). Congress responded by enacting the Architect of the Capitol Human Resources Act (AOCHRA). P.L. 103–283, 108 Stat. 1444 (July 22, 1994), codified at 40 U.S.C. §166b–7. This law did not directly bring the AOC within the purview of the various Federal personnel laws. Rather, the AOC was directed to establish its own personnel management system. As stated in AOCHRA, Congress found that the Architect should ''develop human resources management programs that are consistent with the practices common among other Federal and private sector organizations,'' and to that end, the Architect was directed ''to establish and maintain a personnel management system that incorporates fundamental principles that exist in other modern personnel systems.'' 40 U.S.C. §166b–7(b)(1),(2). The law then sets out in broad terms eight subject areas that a model personnel management system must address, leaving it to the Architect to develop a detailed plan for implementing these model policy goals no later than fifteen months after enactment. 40 U.S.C. §166b–7(c)(2)(A)–(H), (d)(1)(B),(C). Among these objectives is the requirement that the personnel management system ''ensure[] that applicants for employment and employees of the Architect of the Capitol are appointed, promoted, and assigned on the basis of *merit* and fitness after fair and equitable consideration of all applicants and employees through *open competition*.'' 40 U.S.C. §166b–7(c)(2)(A) (emphasis added).

The notion of merit selection based on open competition, of course, is a bedrock principle of the federal civil service system, particularly its competitive service component, as described in the ANPR, 146 Cong. Rec. S864 (Daily ed. February 29, 2000)(ANPR). Thus, instead of formally placing the job positions of the Architect's Office within the federal competitive service, which is contemplated under 5 U.S.C. §2101(a)(2),[13] Congress authorized the Architect's Office to devise its own personnel system independent of the competitive service (and of the oversight responsibilities of the Office of Personnel Management) but consistent with its animating principles.

AOCHRA did not specifically mandate that the Architect's Office incorporate veterans' preference principles into its merit selection system. And there is nothing in the public record to indicate that the AOC in practice affords qualified veterans some form of preference in the selection process. However, it seems equally true that there is nothing in AOCHRA to preclude the Architect from taking veterans' preference into account in making appointments, promotions, and assignments, the same way that an executive branch agency must afford veterans' preference to appointments to positions in the competitive service. Thus, the issue arises whether VEOA may be read *in pari materia* with AOCHRA, so as to make the substantive VEOA regulations concerning appointments applicable to AOC's merit selection system notwithstanding the fact that job positions subject to that system are not technically part of the ''competitive service.''

As noted above, the Board has tentatively concluded that it must limit the application of the substantive, veterans' preference appointment regulations to those legislative branch positions that are within the ''competitive service,'' as the latter term is defined in 5 U.S.C. §2102. As a practical matter, this may significantly limit the group of ''covered employees'' who will benefit from VEOA, since it appears that the vast majority of ''covered employees'' hold civil service positions in the legislative branch, including those in the Office of AOC, that are within the definition of excepted service.

However, the congressional policy declared in the enactment of AOCHRA may warrant the promulgation of a special regulation tailoring the application of the VEOA appointment regulations to positions in Office of the AOC, for it is a general rule of statutory construction that statutes on the same subject matter are to be construed together.[14] In this case, the specific obligations under VEOA to afford veterans' preference in connection with merit appointments would be interpreted in conjunction with the preexisting, general obligations under AOCHRA to establish a merit selection personnel system. If read together, the two statutes would seem to authorize the application of substantive VEOA regulations, at least those governing appointments, insofar as AOCHRA imposes obligations on the Office of the Architect of the Capitol to establish a personnel management system which at a minimum provides for appointment, promotion and assignment on the basis of merit and fitness after fair and equitable consideration of all applicants and employees through open competition.[15]

The Board has made no final determination on the soundness of this interpretation, in part due the fact that this has insufficient information on the elements of the merit selection system which the AOC has established under AOCHRA. The Board therefore believes that it is appropriate to solicit comments on what are the elements of the AOC's current merit selection system established under 40 U.S.C. §166b–7(c)(2)(A), and on whether in particular the AOC has a policy of giving preference to qualified veterans. Aside from the factual issue, the Board believes that comments should be solicited on the legal issue whether VEOA may be interpreted *in pari materia* with AOCHRA. In addition, the Board invites comments on the related question of how substantive regulations promulgated under VEOA may be applied to AOC's personnel management system, even assuming that it currently does not include a veterans' preference component, being mindful that the Board is authorized under VEOA to propose modifications for the more effective implementation of the rights and protections under VEOA. 2 U.S.C. §1316a(c)(4)(B).

In order to frame the issues for comment, the Board has decided to include in this NPR a proposed new section §1.106, which would apply the appointment regulations governing veterans' preference to appointments made pursuant to the merit selection system under AOCHRA. This section would apply the proposed regulations notwithstanding the fact that the job positions within the AOCHRA merit selection system are not technically within the ''competitive service.'' Insofar as AOCHRA imposes obligations on the Office of the Architect of the Capitol to establish a personnel management system which at a minimum provides for appointment, promotion and assignment on the basis of merit and fitness after fair and equitable consideration of all applicants and employees through open competition, the Architect of the Capitol would be required to afford to a covered employee, including an applicant veterans' preference, in a manner and to the extent consistent with these proposed regulations.

Recommended Method of Approval

The Board recommends that (1) the version of the proposed regulations that shall apply to the Senate and employees of the Senate be approved by the Senate by resolution; (2) the version of the proposed regulations that shall apply to the House of Representatives and employees of the House of Representatives be approved by the House of Representatives by resolution; and (3) the version of the proposed regulations that shall apply to other covered employees and employing offices be approved by the Congress by concurrent resolution.

Signed at Washington, D.C., on this 13th day of November, 2001.

SUSAN S. ROBFOGEL,
Chair of the Board,
Office of Compliance.

EXTENSION OF RIGHTS AND PROTECTIONS RELATING TO VETERANS' PREFERENCE UNDER TITLE 5, UNITED STATES CODE, TO COVERED EMPLOYEES OF THE LEGISLATIVE BRANCH (SECTION 4(C) OF THE VETERANS EMPLOYMENT OPPORTUNITIES ACT OF 1998)

PART 1—MATTERS OF GENERAL APPLICABILITY TO ALL REGULATIONS PROMULGATED UNDER SECTION 4 OF THE VETERANS EMPLOYMENT OPPORTUNITIES ACT OF 1998

Sec.
1.101 Purpose and scope
1.102 Definitions
1.103 Exclusion
1.104 Adoption of regulations
1.105 Coordination with Section 225 of Congressional Accountability Act
1.106 Application of regulations to certain positions of the Office of the Architect of the Capitol

§ 1.101. Purpose and scope

(a) *Section 4(c) of the VEOA.* The Veterans Employment Opportunities Act (VEOA) applies the rights and protections of sections 2108, 3309 through 3312, and subchapter I of chapter 35 of title 5 USC, to covered employees within the legislative branch.

(b) *Purpose and scope of regulations.* The regulations set forth herein are the substantive regulations that the Board of Directors of the Office of Compliance has promulgated pursuant to section 4(c)(4) of VEOA, in accordance with the rulemaking procedure set forth in section 304 of the CAA.

§ 1.102. Definitions

Except as otherwise provided in these regulations, as used in these regulations:

(a) *Act* or *CAA* means the Congressional Accountability Act of 1995 (Pub. L. 104–1, 109 Stat. 3, 2 U.S.C. §§1301–1438).

(b) *VEOA* means the Veterans Employment Opportunities Act of 1998 (Pub. L. 105–339, 112 Stat. 3182).

(c) Except as provided by §1.103, the term *covered employee* means any employee of (1) the House of Representatives; (2) the Senate; (3) the Capitol Guide Service; (4) the Capitol Police; (5) the Congressional Budget Office; (6) the Office of the Architect of the Capitol; (7) the Office of the Attending Physician; and (8) the Office of Compliance.

[13] ''The 'competitive service' consists of—. . .''(2) civil service positions not in the executive branch which are specifically included in the competitive service by statute;''

[14] N. Singer, Statutes and Statutory Construction §51.02, at 176–178 (6th ed. 2000). See, e.g., *United States* v. *Stewart*, 311 U.S. 60 (1940) (''It is clear that 'all acts in pari materia are to be taken together, as if they were one law.' '').

[15] CF. *United States* v. *Jefferson Electric Mfg. Co.*, 291 U.S. 386, 396 (1934) (''As a general rule, where the legislation dealing with a particular subject consists of a system of related general provisions indicative of a settled policy, new enactments of a fragmentary nature on that subject are to be taken as intended to fit into the existing system and the carried into effect comformably to it, excepting as a different purpose is plainly shown.'').

(d) The term *employee* includes an applicant for employment and a former employee.

(e) The term *employee of the Office of the Architect of the Capitol* includes any employee of the Office of the Architect of the Capitol, the Botanic Gardens, or the Senate Restaurants.

(f) The term *employee of the Capitol Police* includes any member or officer of the Capitol Police.

(g) The term *employee of the House of Representatives* includes an individual occupying a position the pay for which is disbursed by the Clerk of the House of Representatives, or another official designated by the House of Representatives, or any employment position in an entity that is paid with funds derived from the clerk-hire allowance of the House of Representatives but not any such individual employed by any entity listed in subparagraphs (3) through (8) of paragraph (c) above.

(h) The term *employee of the Senate* includes any employee whose pay is disbursed by the Secretary of the Senate, but not any such individual employed by any entity listed in subparagraphs (3) through (8) of paragraph (c) above.

(i) The term *employing office* means: (1) the personal office of a Member of the House of Representatives or the Senate or a joint committee; (2) a committee of the House of Representatives or the Senate or a joint committee; (3) any other office headed by a person with the final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an employee of the House of Representatives or the Senate; or (4) the Capitol Guide Board, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, and the Office of Compliance.

(j) *Board* means the Board of Directors of the Office of Compliance.

(k) *Office* means the Office of Compliance.

(l) *General Counsel* means the General Counsel of the Office of Compliance.

(m) The term *agency* means employing office as defined by subsection (i).

§ 1.103. Exclusions from definition of covered employee

The term *covered employee* does not include an employee

(a) whose appointment is made by the President with the advice and consent of the Senate;

(b) whose appointment is made by a Member of Congress or by a committee or subcommittee of either House of Congress; or,

(c) who is appointed to a position, the duties of which are equivalent to those of a Senior Executive Service position (within the meaning of section 3132(a)(2) of title 5, United States Code).

§ 1.104. Authority of the Board

(a) *Adoption of regulations.* Section 4(c)(4)(A) of VEOA generally authorizes the Board to issue regulations to implement section 4(c). In addition, 4(c)(4)(B) of VEOA directs the Board to promulgate regulations that are ''the same as the most relevant substantive regulations (applicable with respect to the executive branch) promulgated to implement the statutory provisions referred to in paragraph (2)'' of section 4(c) of VEOA. Those statutory provisions are section 2108, sections 3309 through 3312, and subchapter I of chapter 35, of title 5, United States Code. The regulations issued by the Board herein are on all matters for which section 4(c)(4)(B) of VEOA requires a regulation to be issued. Specifically, it is the Board's considered judgment based on the information available to it at the time of promulgation of these regulations, that, with the exception of the regulations adopted and set forth herein, there are no other ''substantive regulations (applicable with respect to the executive branch) promulgated to implement the statutory provisions referred to in paragraph (2)'' of section 4(c) of VEOA that need be adopted.

(b) *Technical and nomenclature changes.* In promulgating these regulations, the Board has made certain technical and nomenclature changes to the regulations as promulgated by the executive branch. Such changes are intended to make the provisions adopted accord more naturally to situations in the Legislative Branch. However, by making these changes, the Board does not intend a substantive difference between these regulations and those of the executive branch from which they are derived except to the extent that a modification is necessary to more effectively implement the rights and protections made applicable under VEOA.

(c) *Modification of substantive regulations.* As a qualification of the statutory obligation to issue regulations that are ''the same as the most substantive regulations (applicable with respect to the executive branch),'' section 4(c)(4)(B) of VEOA authorizes the Board to ''determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under'' section 4(c) of VEOA. In examining the relevant regulations of the executive branch, which were promulgated by the Office of Personnel Management, the Board has concluded that a number of sections were issued under a combination of statutory authorities, some of which were made applicable under section 4(c)(2) of VEOA and some of which were not made applicable under that section. The Board has accordingly determined that given the selective application of statutory provisions, some regulations of the executive branch are not applicable to the legislative branch and some regulations must be modified in order to be made applicable.

(d) *Retention of section numbering.* Except for the sections in Part 1, the regulations adopted herein are numbered to correspond with the section numbering of the substantive regulations of the executive branch as they appear in title 5 of the Code of Federal Regulations (CFR) on which they are based.

§ 1.105. Coordination with Section 225 of Congressional Accountability Act

(a) *Statutory directive.* Section 4(c)(4)(D) of the VEOA requires that regulations promulgated must be consistent with section 225 of the CAA. Among the relevant provisions of section 225 are subsection (f)(1), which prescribes as a rule of construction that definitions and exemptions in the laws made applicable by the CAA shall apply under the CAA, and subsection (f)(3), which states that the CAA shall not be construed to authorize enforcement of the CAA by the executive branch.

(b) *Provisos necessary to satisfy statutory directive.* The Board determines that in order for certain regulations applied under VEOA to be consistent with subsections (f)(1) and (f)(3) of section 225 of the CAA, the such regulations shall be subject to the following provisos:

(1) Where an applied regulation refers to the ''competitive service,'' such term shall have the meaning as provided in 5 USC § 2102(a)(2). Where an applied regulation refers to the ''exempted service,'' such term shall have the meaning as provided in 5 USC § 2103.

(2) Where an applied regulation refers to the ''excepted service,'' such term shall have the meaning as provided in 5 USC § 2103. Consistent with the definition provided by section 2103, the Board determines that ''excepted service'' encompasses all civil service positions within the legislative branch which are neither in the ''competitive service'' nor have duties that are equivalent to the Senior Executive Service as those terms are defined in Title 5, USC.

§ 1.106. Application of regulations to certain positions of the Office of the Architect of the Capitol

(a) The Office of the Architect of the Capitol, pursuant to the provisions of the Architect of the Capitol Human Resources Act (AOCHRA), P.L. 103–283, 108 Stat. 1444 (July 22, 1994), as codified and amended in 40 USC § 166b–7, is required to establish a personnel management system that in part ''ensures that applicants for employment and employees of the Architect of the Capitol are appointed, promoted, and assigned on the basis of merit and fitness after fair and equitable consideration of all applicants and employees through open competition.'' 40 USC § 166b–7(c)(2)(A).

(b) Insofar as AOCHRA imposes obligations on the Office of the Architect of the Capitol to establish a personnel management system which at a minimum provides for appointment, promotion and assignment on the basis of merit and fitness after fair and equitable consideration of all applicants and employees through open competition, the Architect of the Capitol shall provide veterans' preference to a covered employee, including an applicant, in a manner and to the extent consistent with these regulations.

PART 211—VETERAN PREFERENCE

Sec.

§ 211.101. Purpose

The purpose of this part is to define veterans' preference and the administration of preference in Federal employment in the legislative branch. (5 U.S.C. 2108, as applied by VEOA)

§ 211.102. Definitions

For purposes of preference in Federal employment the following definitions apply:

(a) Veteran means a person who was separated with an honorable discharge or under honorable conditions from active duty in the armed forces performed—

(1) In a war; or,

(2) In a campaign or expedition for which a campaign badge has been authorized; or

(3) During the period beginning April 28, 1952, and ending July 1, 1955; or,

(4) For more than 180 consecutive days, other than for training, any part of which occurred during the period beginning February 1, 1955, and ending October 14, 1976.

(b) Disabled veteran means a person who was separated under honorable conditions from active duty in the armed forces performed at any time and who has established the present existence of a service-connected disability or is receiving compensation, disability retirement benefits, or pensions because of a public statute administered by the Department of Veterans Affairs or a military department.

(c) Preference eligible means veterans, spouses, widows, or mothers who meet the definition of ''preference eligible'' in 5 U.S.C. 2108. Preference eligibles in the competitive service are entitled to have 5 or 10 points added to their earned score on a civil service examination (see 5 U.S.C. 3309). They are also accorded a higher retention standing in the event of a reduction in force in positions in either the competitive service or in the excepted service (see 5 U.S.C. 3502). Preference does not apply, however, to inservice placement actions such as promotions.

(d) Armed forces means the United States Army, Navy, Air Force, Marine Corps, and Coast Guard.

(e) Uniformed services means the armed forces, the commissioned corps of the Public Health Service, and the commissioned corps of the National Oceanic and Atmospheric Administration.

(f) Active duty or active military duty means full-time duty with military pay and allowances in the armed forces, except for training or for determining physical fitness and except for service in the Reserves or National Guard.

(g) Separated under honorable conditions means either an honorable or a general discharge from the armed forces. The Department of Defense is responsible for administering and defining military discharges.

§ 211.103. Administration of preference

Agencies are responsible for making all preference determinations.

PART 330—RECRUITMENT, SELECTION, AND PLACEMENT (GENERAL) IN THE COMPETITIVE SERVICE

Sec.
330.401 Competitive examination
330.402 Direct recruitment

Subpart D—Positions Restricted to Preference Eligibles

§ 330.401. Competitive examination

In each entrance examination for the positions of custodian, elevator operator, guard, and messenger in the competitive service (referred to hereinafter in this subpart as restricted positions), competition shall be restricted to preference eligibles as long as preference eligibles are available. For purposes of this part, the term *guard* does not include law enforcement officer positions of the U.S. Capitol Police Board.

§ 330.402. Direct recruitment

In direct recruitment by an agency under delegated authority, the agency shall fill each restricted position by the appointment of a preference eligible as long as preference eligibles are available.

PART 332—RECRUITMENT AND SELECTION IN THE COMPETITIVE SERVICE THROUGH COMPETITIVE EXAMINATION

Sec.
332.401 Order on registers

Subpart D—Consideration for Appointment

§ 332.401. Order on registers

Subject to apportionment, residence, and other requirements of law, the names of eligibles shall be entered on the appropriate register in accordance with their numerical ratings, except that the names of:

(a) Preference eligibles shall be entered in accordance with their augmented ratings and ahead of others having the same rating; and

(b) Preference eligibles who have a compensable service-connected disability of 10 percent or more shall be entered at the top of the register in the order of their ratings unless the register is for professional or scientific positions in pay positions comparable to GS–9 and above and in comparable pay levels under other pay-fixing authorities.

PART 337—EXAMINING SYSTEM FOR THE COMPETITIVE SERVICE

Sec.
Sec. 337.101 Rating applicants

Subpart A—General Provisions

§ 337.101. Rating applicants

(a) The relative weights shall be given subjects in an examination, and shall assign numerical ratings on a scale of 100. Each applicant who meets the minimum requirements for entrance to an examination and is rated 70 or more in the examination is eligible for appointment.

(b) There shall be added to the earned numerical ratings of applicants who make a passing grade:

(1) Five points for applicants who are preference eligibles under section 2108(3)(A) and (B) of title 5, United States Code; as applied by VEOA and

(2) Ten points for applicants who are preference eligibles under section 2108(3)(C)–(G) of that title, as applied by VEOA.

(c) When experience is a factor in determining eligibility, a preference eligible shall be credited with:

(1) Time spent in the military service (i) as an extension of time spent in the position in which he was employed immediately before his entrance into the military service, or (ii) on the basis of actual duties performed in the military service, or (iii) as a combination of both methods. Time spent in the military service shall be credited according to the method that will be of most benefit to the preference eligible.

(2) All valuable experience, including experience gained in religious, civic, welfare, service, and organizational activities, regardless of whether pay was received therefor.

PART 339—MEDICAL QUALIFICATION DETERMINATIONS IN THE COMPETITIVE SERVICE

Sec.
Sec. 339.204 Waiver of standards and requirements

Subpart B—Physical and Medical Qualifications

§ 339.204. Waiver of standards and requirements

Agencies must waive a medical standard or physical requirement when there is sufficient evidence that an applicant or employee, with or without reasonable accommodation, can perform the essential duties of the position without endangering the health and safety of the individual or others.

PART 351—REDUCTION IN FORCE IN THE COMPETITIVE SERVICE AND THE EXCEPTED SERVICE

Sec.
351.201 Use of regulations
351.202 Coverage
351.203 Definitions
351.204 Responsibility of agency
351.301 Applicability
351.302 Transfer of employees
351.303 Identification of positions with a transferring function
351.401 Determining retention standing
351.402 Competitive area
351.403 Competitive level
351.404 Retention register
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351.501 Order of retention—competitive service
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351.503 Length of service
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351.505 Records
351.506 Effective date of retention standing
351.601 Order of release from competitive level
351.602 Prohibitions
351.603 Actions subsequent to release from competitive level
351.604 Use of furlough
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351.606 Mandatory exceptions
351.607 Permissive continuing exceptions
351.608 Permissive temporary exceptions
351.701 Assignment involving displacement
351.702 Qualifications for assignment
351.703 Exception to qualifications
351.704 Rights and prohibitions
351.705 Administrative assignment
351.801 Notice period
351.802 Content of notice
351.803 Notice of eligibility for reemployment and other placement assistance
351.804 Expiration of notice
351.805 New notice required
351.806 Status during notice period
351.807 Certification of Expected Separation
351.902 Correction by agency

Subpart B—General Provisions

§ 351.201. Use of regulations

(a)(1) Each agency is responsible for determining the categories within which positions are required, where they are to be located, and when they are to be filled, abolished, or vacated. This includes determining when there is a surplus of employees at a particular location in a particular line of work.

(2) Each agency shall follow this part when it releases a competing employee from his or her competitive level by furlough for more than 30 days, separation, demotion, or reassignment requiring displacement, when the release is required because of lack of work; shortage of funds; insufficient personnel ceiling; reorganization; the exercise of reemployment rights or restoration rights; or reclassification of an employee's position due to erosion of duties when such action will take effect after an agency has formally announced a reduction in force in the employee's competitive area and when the reduction in force will take effect within 180 days.

(b) This part does not require an agency to fill a vacant position. However, when an agency, at its discretion, chooses to fill a vacancy by an employee who has been reached for release from a competitive level for one of the reasons in paragraph (a)(2) of this section, this part shall be followed.

(c) Each agency is responsible for assuring that the provisions in this part are uniformly and consistently applied in any one reduction in force.

§ 351.202. Coverage

(a) *Employees covered.* Except as provided in paragraph (b) of this section, this part applies to covered employees as defined by section 1.102(c) of these Regulations.

(b) *Employees excluded.* This part does not apply to an employee who is within the exclusion set forth in section 1.103 of these Regulations.

(c) *Actions excluded.* This part does not apply to:

(1) The termination of a temporary or term promotion or the return of an employee to the position held before the temporary or term promotion or to one of equivalent grade and pay.

(2) A change to lower grade based on the reclassification of an employee's position due to the application of new classification standards or the correction of a classification error.

(3) A change to lower grade based on reclassification of an employee's position due to erosion of duties, except that this exclusion does not apply to such reclassification actions that will take effect after an agency has formally announced a reduction in force in the employee's competitive area and when the reduction in force will take effect within 180 days. This exception ends at the completion of the reduction in force.

(4) Placement of an employee serving on an intermittent, part-time, on-call, or seasonal basis in a nonpay and nonduty status in accordance with conditions established at time of appointment.

(5) A change in an employee's work schedule from other-than-full-time to full-time. (A change from full-time to other than full-time for a reason covered in Sec. 351.201(a)(2) is covered by this part.)

§ 351.203. Definitions

In this part:

Competing employee means an employee in tenure group I, II, or III.

Current rating of record is the rating of record for the most recently completed appraisal period as provided in Sec. 351.504(b)(3).

Days means calendar days.

Function means all or a clearly identifiable segment of an agency's mission (including all integral parts of that mission), regardless of how it is performed.

Furlough under this part means the placement of an employee in a temporary nonduty and nonpay status for more than 30 consecutive calendar days, or more than 22 workdays if done on a discontinuous basis, but not more than 1 year.

Local commuting area means the geographic area that usually constitutes one area for employment purposes. It includes any population center (or two or more neighboring ones) and the surrounding localities in which people live and can reasonably be expected to travel back and forth daily to their usual employment.

Modal rating is the summary rating level assigned most frequently among the actual ratings of record that are:

(1) Assigned under the summary level pattern that applies to the employee's position of record on the date of the reduction in force;

(2) Given within the same competitive area, or at the agency's option within a larger subdivision of the agency or agencywide; and

(3) On record for the most recently completed appraisal period prior to the date of issuance of reduction in force notices or the cutoff date the agency specifies prior to the issuance of reduction in force notices after which no new ratings will be put on record.

Rating of record means the officially designated performance rating, as provided for in the agency's appraisal system.

Reorganization means the planned elimination, addition, or redistribution of functions or duties in an organization.

Representative rate means the fourth step of the grade for a position subject to the General Schedule, the prevailing rate for a position under a wage-board or similar wage-determining procedure, and for other positions, the rate designated by the agency as representative of the position.

Transfer of function means the transfer of the performance of a continuing function from one competitive area and its addition to one or more other competitive areas, except when the function involved is virtually identical to functions already being performed in the other competitive area(s) affected; or the movement of the competitive area in which the function is performed to another commuting area.

Undue interruption means a degree of interruption that would prevent the completion of required work by the employee 90 days after the employee has been placed in a different position under this part. The 90-day standard should be considered within the allowable limits of time and quality, taking into account the pressures of priorities, deadlines, and other demands. However, a work program would generally not be unduly interrupted even if an employee needed more than 90 days after the reduction in force to perform the optimum quality or quantity of work. The 90-day standard may be extended if placement is made under this part to a low priority program or to a vacant position.

§ 351.204. Responsibility of agency

Each agency covered by this part is responsible for following and applying the regulations in this part when the agency determines that a reduction in force is necessary.

Subpart C—Transfer of Function

§ 351.301. Applicability

(a) This subpart is applicable when the work of one or more employees is moved from one competitive area to another as a transfer of function regardless of whether or not the movement is made under authority of a statute, reorganization plan, or other authority.

(b) In a transfer of function, the function must cease in the losing competitive area and continue in an identical form in the gaining competitive area (i.e., in the gaining competitive area, the function continues to be carried out by competing employees rather than by noncompeting employees).

§ 351.302. Transfer of employees

(a) Before a reduction in force is made in connection with the transfer of any or all of the functions of a competitive area to another continuing competitive area, each competing employee in a position identified with the transferring function or functions shall be transferred to the continuing competitive area without any change in the tenure of his or her employment.

(b) An employee whose position is transferred under this subpart solely for liquidation, and who is not identified with an operating function specifically authorized at the time of transfer to continue in operation more than 60 days, is not a competing employee for other positions in the competitive area gaining the function.

(c) Regardless of an employee's personal preference, an employee has no right to transfer with his or her function, unless the alternative in the competitive area losing the function is separation or demotion.

(d) Except as permitted in paragraph (e) of this section, the losing competitive area must use the adverse action procedures found in 5 CFR part 752 if it chooses to separate an employee who declines to transfer from his or her function.

(e) The losing competitive area may, at its discretion, include employees who decline to transfer with their function as part of a concurrent reduction in force.

(f) An agency may not separate an employee who declines to transfer with the function any sooner than it transfers employees who chose to transfer with the function to the gaining competitive area.

(g) Agencies may ask employees in a canvass letter whether the employee wishes to transfer with the function when the function transfers to a different local commuting area. The canvass letter must give the employee information concerning entitlements available to the employee if the employee accepts the offer to transfer, and if the employee declines the offer to transfer. An employee may later change and initial acceptance offer without penalty. However, an employee may not later change an initial declination of the offer to transfer.

§ 351.303. Identification of positions with a transferring function

(a) The competitive area losing the function is responsible for identifying the positions of competing employees with the transferring function. A competing employee is identified with the transferring function on the basis of the employee's official position. Two methods are provided to identify employees with the transferring function:

(1) Identification Method One; and

(2) Identification Method Two.

(b) Identification Method One must be used to identify each position to which it is applicable. Identification Method Two is used only to identify positions to which Identification Method One is not applicable.

(c) Under Identification Method One, a competing employee is identified with a transferring function if—

(1) The employee performs the function during at least half of his or her work time; or

(2) Regardless of the amount of time the employee performs the function during his or her work time, the function performed by the employee includes the duties controlling his or her grade or rate of pay.

(3) In determining what percentage of time an employee performs a function in the employee's official position, the agency may supplement the employee's official position description by the use of appropriate records (e.g., work reports, organizational time logs, work schedules, etc.).

(d) Identification Method Two is applicable to employees who perform the function during less than half of their work time and are not otherwise covered by Identification Method One. Under Identification Method Two, the losing competitive area must identify the number of positions it needed to perform the transferring function. To determine which employees are identified for transfer, the losing competitive area must establish a retention register in accordance with this part that includes the name of each competing employee who performed the function. Competing employees listed on the retention register are identified for transfer in the inverse order of their retention standing. If for any retention register this procedure would result in the separation or demotion by reduction in force at the losing competitive area of any employee with higher retention standing, the losing competitive area must identify competing employees on that register for transfer in the order of their retention standing.

(e)(1) The competitive area losing the function may permit other employees to volunteer for transfer with the function in place of employees identified under Identification Method One or Identification Method Two. However, the competitive area may permit these other employees to volunteer for transfer only if no competing employee who is identified for transfer under Identification Method One or Identification Method Two is separated or demoted solely because a volunteer transferred in place of him or her to the competitive area that is gaining the function.

(2) If the total number of employees who volunteer for transfer exceeds the total number of employees required to perform the function in the competitive area that is gaining the function, the losing competitive area may give preference to the volunteers with the highest retention standing, or make selections based on other appropriate criteria.

Subpart D—Scope of Competition

§ 351.401. Determining retention standing

Each agency shall determine the retention standing of each competing employee on the basis of the factors in this subpart and in subpart E of this part.

§ 351.402. Competitive area

(a) Each agency shall establish competitive areas in which employees compete for retention under this part.

(b) A competitive area must be defined solely in terms of the agency's organizational unit(s) and geographical location, and it must include all employees within the competitive area so defined. A competitive area may consist of all or part of an agency. The minimum competitive area is a subdivision of the agency under separate administration within the local commuting area.

§ 351.403. Competitive level

(a)(1) Each agency shall establish competitive levels consisting of all positions in a competitive area which are in the same grade (or occupational level) and classification series, and which are similar enough in

duties, qualification requirements, pay schedules, and working conditions so that an agency may reassign the incumbent of one position to any of the other positions in the level without undue interruption.

(2) Competitive level determinations are based on each employee's official position, not the employee's personal qualifications.

(b) Each agency shall establish separate competitive levels according to the following categories:

(1) *By service.* Separate levels shall be established for positions in the competitive service and in the excepted service.

(2) *By appointment authority.* Separate levels shall be established for excepted service positions filled under different appointment authorities.

(3) *By pay schedule.* Separate levels shall be established for positions under different pay schedules.

(4) *By work schedule.* Separate levels shall be established for positions filled on a full-time, part-time, intermittent, seasonal, or on-call basis. No distinction may be made among employees in the competitive level on the basis of the number of hours or weeks scheduled to be worked.

(5) *By trainee status.* Separate levels shall be established for positions filled by an employee in a formally designated trainee or developmental program having all of the characteristics covered in Sec. 351.702(e)(1) through (e)(4) of this part.

(c) An agency may not establish a competitive level based solely upon:

(1) A difference in the number of hours or weeks scheduled to be worked by other-than-full-time employees who would otherwise be in the same competitive level;

(2) A requirement to work changing shifts;

(3) The grade promotion potential of the position; or

(4) A difference in the local wage areas in which wage grade positions are located.

§ 351.404. Retention register

(a) When a competing employee is to be released from a competitive level under this part, the agency shall establish a separate retention register for that competitive level. The retention register is prepared from the current retention records of employees. Upon displacing another employee under this part, an employee retains the same status and tenure in the new position. Except for an employee on military duty with a restoration right, the agency shall enter on the retention register, in the order of retention standing, the name of each competing employee who is:

(1) In the competitive level;

(2) Temporarily promoted from the competitive level by temporary or term promotion.

(b)(1) The name of each employee serving under a time limited appointment or promotion to a position in a competitive level shall be entered on a list apart from the retention register for that competitive level, along with the expiration date of the action.

(2) The agency shall list, at the bottom of the list prepared under paragraph b(1) of this section, the name of each employee in the competitive level with a written decision of removal under part 432 or 752 in this chapter.

§ 351.405. Demoted employees

An employee who has received a written decision under part 432 or 752 of this chapter to demote him or her competes under this part from the position to which he or she will be or has been demoted.

Subpart E—Retention Standing

§ 351.501. Order of retention—competitive service

(a) Competing employees shall be classified on a retention register on the basis of their tenure of employment, veteran preference, length of service, and performance in descending order as follows:

(1) By tenure group I, group II, group III; and

(2) Within each group by veteran preference subgroup AD, subgroup A, subgroup B; and

(3) Within each subgroup by years of service as augmented by credit for performance under Sec. 351.504, beginning with the earliest service date.

(b) Groups are defined as follows:

(1) Group I includes each career employee who is not serving a probationary period. An employee who acquires competitive status and satisfies the service requirement for career tenure when the employee's position is brought into the competitive service is in group I as soon as the employee completes any required probationary period for initial appointment.

(2) Group II includes each career-conditional employee, and each employee serving a probationary period.

(3) Group III includes all employees serving under indefinite appointments, temporary appointments pending establishment of a register, status quo appointments, term appointments, and any other nonstatus nontemporary appointments which meet the definition of provisional appointments.

(c) Subgroups are defined as follows:

(1) Subgroup AD includes each preference eligible employee who has a compensable service-connected disability of 30 percent or more.

(2) Subgroup A includes each preference eligible employee not included in subgroup AD.

(3) Subgroup B includes each nonpreference eligible employee.

(d) A retired member of a uniformed service is considered a preference eligible under this part only if the member meets at least one of the conditions of the following paragraphs (d)(1), (2), or (3) of this section, except as limited by paragraph (d)(4) or (d)(5):

(1) The employee's military retirement is based on disability that either:

(i) Resulted from injury or disease received in the line of duty as a direct result of armed conflict; or

(ii) Was caused by an instrumentality of war incurred in the line of duty during a period of war as defined by sections 101 and 301 of title 38, United States Code.

(2) The employee's retired pay from a uniformed service is not based upon 20 or more years of full-time active service, regardless of when performed but not including periods of active duty for training.

(3) The employee has been continuously employed in a position covered by this part since November 30, 1964, without a break in service of more than 30 days.

(4) An employee retired at the rank of major or above (or equivalent) is considered a preference eligible under this part if such employee is a disabled veteran as defined in section 2108(2) of title 5, United States Code, as applied by VEOA, and meets one of the conditions covered in paragraph (d)(1), (2), or (3) of this section.

(5) An employee who is eligible for retired pay under chapter 67 of title 10, United States Code, and who retired at the rank of major or above (or equivalent) is considered a preference eligible under this part at age 60, only if such employee is a disabled veteran as defined in section 2108(2) of title 5, United States Code, as applied by VEOA.

§ 351.502. Order of retention—excepted service

(a) Competing employees shall be classified on a retention register in tenure groups on the basis of their tenure of employment, veteran preference, length of service, and performance in descending order as set forth under Sec. 351.501(a) for competing employees in the competitive service.

(b) Groups are defined as follows:

(1) Group I includes each permanent employee whose appointment carries no restriction or condition such as conditional, indefinite, specific time limit, or trial period.

(2) Group II includes each employee:

(i) Serving a trial period; or

(ii) Whose tenure is equivalent to a career-conditional appointment in the competitive service in agencies having such excepted appointments.

(3) Group III includes each employee:

(i) Whose tenure is indefinite (i.e., without specific time limit), but not actually or potentially permanent;

(ii) Whose appointment has a specific time limitation of more than 1 year; or

(iii) Who is currently employed under a temporary appointment limited to 1 year or less, but who has completed 1 year of current continuous service under a temporary appointment with no break in service of 1 workday or more.

§ 351.503. Length of service

(a) Each agency shall establish a service date for each competing employee.

(b) An employee's service date is whichever of the following dates reflects the employee's creditable service:

(1) The date the employee entered on duty, when he or she has no previous creditable service;

(2) The date obtained by subtracting the employee's total creditable previous service from the date he or she last entered on duty; or

(3) The date obtained by subtracting from the date in paragraph (b)(1) or (b)(2) of this section, the service equivalent allowed for performance ratings under Sec. 351.504.

(c) An employee who is a retired member of a uniformed service is entitled to credit under this part for:

(1) The length of time in active service in the armed forces during a war, or in a campaign or expedition for which a campaign badge has been authorized; or

(2) The total length of time in active service in the armed forces if the employee is considered a preference eligible under Sec. 351.501(d) of this part.

(d) Each agency shall adjust the service date for each employee to withhold credit for noncreditable time.

§351.504. Credit for performance

(a) *Ratings used.* Only ratings of record as defined in Sec. 351.203 shall be used as the basis for granting additional retention service credit in a reduction in force.

(b)(1) An employee's entitlement to additional retention service credit for performance under this subpart shall be based on the employee's three most recent ratings of record received during the 4–year period prior to the date of issuance of reduction in force notices, except as otherwise provided in paragraphs (b)(2) and (c) of this section.

(2) To provide adequate time to determine employee retention standing, an agency may provide for a cutoff date, a specified number of days prior to the issuance of reduction in force notices after which no new ratings of record will be put on record and used for purposes of this subpart. When a cutoff date is used, an employee will receive performance credit for the three most recent ratings of record received during the 4–year period prior to the cutoff date.

(3) To be creditable for purposes of this subpart, a rating of record must have been issued to the employee, with all appropriate reviews and signatures, and must also be on record (i.e., the rating of record is available

for use by the office responsible for establishing retention registers).

(4) The awarding of additional retention service credit based on performance for purposes of this subpart must be uniformly and consistently applied within a competitive area, and must be consistent with the agency's appropriate issuance(s) that implement these policies. Each agency must specify in its appropriate issuance(s):

(i) The conditions under which a rating of record is considered to have been received for purposes of determining whether it is within the 4–year period prior to either the date the agency issues reduction in force notices or the agency-established cutoff date for ratings of record, as appropriate; and

(ii) If the agency elects to use a cutoff date, the number of days prior to the issuance of reduction in force notices after which no new ratings of record will be put on record and used for purposes of this subpart.

(c) *Missing ratings.* Additional retention service credit for employees who do not have three actual ratings of record during the 4–year period prior to the date of issuance of reduction in force notices or the 4–year period prior to the agency-established cutoff date for ratings of record permitted in paragraph (b)(2) of this section shall be determined as appropriate, and as follows:

(1) An employee who has not received any rating of record during the 4–year period shall receive credit for performance based on the modal rating for the summary level pattern that applies to the employee's official position of record at the time of the reduction in force.

(2) An employee who has received at least one but fewer than three previous ratings of record during the 4–year period shall receive credit for performance on the basis of the value of the actual rating(s) of record divided by the number of actual ratings received. If an employee has received only two actual ratings of record during the period, the value of the ratings is added together and divided by two (and rounded in the case of a fraction to the next higher whole number) to determine the amount of additional retention service credit. If an employee has received only one actual rating of record during the period, its value is the amount of additional retention service credit provided.

§ 351.505. Records

Each agency shall maintain the current correct records needed to determine the retention standing of its competing employees. The agency shall allow the inspection of its retention registers and related records by an employee of the agency to the extent that the registers and records have a bearing on a specific action taken, or to be taken, against the employee. The agency shall preserve intact all registers and records relating to an employee for at least 1 year from the date the employee is issued a specific notice.

§ 351.506. Effective date of retention standing

Except for applying the performance factor as provided in Sec. 351.504:

(a) The retention standing of each employee released from a competitive level in the order prescribed in Sec. 351.601 is determined as of the date the employee is so released.

(b) The retention standing of each employee retained in a competitive level as an exception under Sec. 351.606(b), Sec. 351.607, or Sec. 351.608, is determined as of the date the employee would have been released had the exception not been used. The retention standing of each employee retained under any of these provisions remains fixed until completion of the reduction in force action which resulted in the temporary retention.

(c) When an agency discovers an error in the determination of an employee's retention standing, it shall correct the error and adjust any erroneous reduction-in-force action to accord with the employee's proper retention standing as of the effective date established by this section.

Subpart F—Release From Competitive Level

§ 351.601. Order of release from competitive level

(a) Each agency shall select competing employees for release from a competitive level under this part in the inverse order of retention standing, beginning with the employee with the lowest retention standing on the retention register. An agency may not release a competing employee from a competitive level while retaining in that level an employee with lower retention standing except:

(1) As required under Sec. 351.606 when an employee is retained under a mandatory exception or under Sec. 351.806 when an employee is entitled to a new written notice of reduction in force; or

(2) As permitted under Sec. 351.607 when an employee is retained under a permissive continuing exception or under Sec. 351.608 when an employee is retained under a permissive temporary exception.

(b) When employees in the same retention subgroup have identical service dates and are tied for release from a competitive level, the agency may select any tied employee for release.

§ 351.602. Prohibitions

An agency may not release a competing employee from a competitive level while retaining in that level an employee with:

(a) A specifically limited temporary appointment;

(b) A specifically limited temporary or term promotion.

§ 351.603. Actions subsequent to release from competitive level

An employee reached for release from a competitive level shall be offered assignment to another position in accordance with subpart G of this part. If the employee accepts, the employee shall be assigned to the position offered. If the employee has no assignment right or does not accept an offer under subpart G, the employee shall be furloughed or separated.

§ 351.604. Use of furlough

(a) An agency may furlough a competing employee only when it intends within 1 year to recall the employee to duty in the position from which furloughed.

(b) An agency may not separate a competing employee under this part while an employee with lower retention standing in the same competitive level is on furlough.

(c) An agency may not furlough a competing employee for more than 1 year.

(d) When an agency recalls employees to duty in the competitive level from which furloughed, it shall recall them in the order of their retention standing, beginning with highest standing employee.

§ 351.605. Liquidation provisions

When an agency will abolish all positions in a competitive area within 180 days, it must release employees in group and subgroup order consistent with Sec. 351.601(a). At its discretion, the agency may release the employees in group order without regard to retention standing within a subgroup, except as provided in Sec. 351.606. When an agency releases an employee under this section, the notice to the employee must cite this authority and give the date the liquidation will be completed. An agency may also apply Secs. 351.607 and 351.608 in a liquidation.

Sec. 351.606. Mandatory exceptions

(a) Armed Forces restoration rights. When an agency applies Sec. 351.601 or Sec. 351.605, it shall give retention priorities over other employees in the same subgroup to each group I or II employee entitled under 38 U.S.C. 2021 or 2024 to retention for, as applicable, 6 months or 1 year after restoration, as provided in part 353 of this chapter.

(b) Use of annual leave to reach initial eligibility for retirement or continuance of health benefits. (1) An agency shall make a temporary exception under this section to retain an employee who is being involuntarily separated under this part, and who elects to use annual leave to remain on the agency's rolls after the effective date the employee would otherwise have been separated by reduction in force, in order to establish initial eligibility for immediate retirement under 5 U.S.C. 8336, 8412, or 8414, and/or to establish initial eligibility under 5 U.S.C. 8905 to continue health benefits coverage into retirement.

(2) An agency shall make a temporary exception under this section to retain an employee who is being involuntarily separated under authority of part 752 of this chapter because of the employee's decision to decline relocation (including transfer of function), and who elects to use annual leave to remain on the agency's rolls after the effective date the employee would otherwise have been separated by adverse action, in order to establish initial eligibility for immediate retirement under 5 U.S.C. 8336, 8412, or 8414, and/or to establish initial eligibility under 5 U.S.C. 8905 to continue health benefits coverage into retirement.

(3) An employee retained under paragraph (b) this section must be covered by chapter 63 of title 5, United States Code.

(4) An agency may not retain an employee under this section past the date that the employee first becomes eligible for immediate retirement, or for continuation of health benefits into retirement, except that an employee may be retained long enough to satisfy both retirement and health benefits requirements.

(5) Except as permitted by 5 CFR 351.608(d), an agency may not approve an employee's use of any other type of leave after the employee has been retained under a temporary exception authorized by paragraph (b) of this section.

(6) Annual leave for purposes of paragraph (b) of this section is described in Sec. 630.212 of Title 5, CFR.

(c) Documentation. Each agency shall record on the retention register, for inspection by each employee, the reasons for any deviation from the order of release required by Sec. 351.601 or Sec. 351.605.

§ 351.607. Permissive continuing exceptions

An agency may make exception to the order of release in Sec. 351.601 and to the action provisions of Sec. 351.603 when needed to retain an employee on duties that cannot be taken over within 90 days and without undue interruption to the activity by an employee with higher retention standing. The agency shall notify in writing each higher-standing employee reached for release from the same competitive level of the reasons for the exception.

§ 351.608. Permissive temporary exceptions

(a) *General.* (1) In accordance with this section, an agency may make a temporary exception to the order of release in Sec. 351.601, and to the action provisions of Sec. 351.603, when needed to retain an employee after the effective date of a reduction in force. Except as otherwise provided in paragraphs (c) and (e) of this section, an agency may not make a temporary exception for more than 90 days.

(2) After the effective date of a reduction in force action, an agency may not amend or cancel the reduction in force notice of an employee retained under a temporary exception so as to avoid completion of the reduction in force action.

(b) *Undue interruption*. An agency may make a temporary exception for not more than 90 days when needed to continue an activity without undue interruption.

(c) *Government obligation*. An agency may make a temporary exception to satisfy a Government obligation to the retained employee without regard to the 90–day limit set forth under paragraph (a)(1) of this section.

(d) *Sick leave*. An agency may make a temporary exception to retain on sick leave a lower standing employee covered by an applicable leave system for Federal employees, who is on approved sick leave on the effective date of the reduction in force, for a period not to exceed the date the employee's sick leave is exhausted. Use of sick leave for this purpose must be in accordance with the requirements in part 630, subpart D of this chapter (or other applicable leave system for Federal employees). An agency may not approve an employee's use of any other type of leave after the employee has been retained under this paragraph (d).

(e)(1) An agency may make a temporary exception to retain on accrued annual leave a lower standing employee who:

(i) Is being involuntarily separated under this part;

(ii) Is covered by a Federal leave system under authority other than chapter 63 of title 5, United States Code; and,

(iii) Will attain first eligibility for an immediate retirement benefit under 5 U.S.C. 8336, 8412, or 8414 (or other authority), and/or establish eligibility under 5 U.S.C. 8905 (or other authority) to carry health benefits coverage into retirement during the period represented by the amount of the employee's accrued annual leave.

(2) An agency may not approve an employee's use of any other type of leave after the employee has been retained under this paragraph (e).

(3) This exception may not exceed the date the employee first becomes eligible for immediate retirement or for continuation of health benefits into retirement, except that an employee may be retained long enough to satisfy both retirement and health benefits requirements.

(4) Accrued annual leave includes all accumulated, accrued, and restored annual leave, as applicable, in addition to annual leave earned and available to the employee after the effective date of the reduction in force. When approving a temporary exception under this provision, an agency may not advance annual leave or consider any annual leave that might be credited to an employee's account after the effective date of the reduction in force other than annual leave earned while in an annual leave status.

(f) *Other exceptions*. An agency may make a temporary exception under this section to extend an employee's separation date beyond the effective date of the reduction in force when the temporary retention of a lower standing employee does not adversely affect the right of any higher standing employee who is released ahead of the lower standing employee. The agency may establish a maximum number of days, up to 90 days, for which an exception may be approved.

(g) *Notice to employees*. When an agency approves an exception for more than 30 days, it must:

(1) Notify in writing each higher standing employee in the same competitive level reached for release of the reasons for the exception and the date the lower standing employee's retention will end; and

(2) List opposite the employee's name on the retention register the reasons for the exception and the date the employee's retention will end.

Subpart G—Assignment Rights (Bump and Retreat)

351.701 Assignment involving displacement

(a) General. When a group I or II competitive service employee with a current annual performance rating of record of minimally successful (Level 2) or equivalent, or higher, is released from a competitive level, an agency shall offer assignment, rather than furlough or separate, in accordance with paragraphs (b), (c), and (d) of this section to another competitive position which requires no reduction, or the least possible reduction, in representative rate. The employee must be qualified for the offered position. The offered position shall be in the same competitive area, last at least 3 months, and have the same type of work schedule (e.g., full-time, part-time, intermittent, or seasonal) as the position from which the employee is released. Upon accepting an offer of assignment, or displacing another employee under this part, an employee retains the same status and tenure in the new position. The promotion potential of the offered position is not a consideration in determining an employee's right of assignment.

(b) Lower subgroup—bumping. A released employee shall be assigned in accordance with paragraph (a) of this section and bump to a position that:

(1) Is held by another employee in a lower tenure group or in a lower subgroup within the same tenure group; and

(2) Is no more than three grades (or appropriate grade intervals or equivalent) below the position from which the employee was released.

(c) Same subgroup—retreating. A released employee shall be assigned in accordance with paragraphs (a) and (d) of this section and retreat to a position that:

(1) Is held by another employee with lower retention standing in the same tenure group and subgroup;

(2) Is not more than three grades (or appropriate grade intervals or equivalent) below the position from which the employee was released, except that for a preference eligible employee with a compensable service-connected disability of 30 percent or more the limit is five grades (or appropriate grade intervals or equivalent); and

(3) Is the same position, or an essentially identical position, formerly held by the released employee as a competing employee in a Federal agency (i.e., when held by the released employee in an executive, legislative, or judicial branch agency, the position would have been placed in tenure groups I, II, or III, or equivalent). In determining whether a position is essentially identical, the determination is based on the competitive level criteria found in Sec. 351.403, but not necessarily in regard to the respective grade, classification series, type of work schedule, or type of service, of the two positions.

(d) Limitation. An employee with a current annual performance rating of record of minimally successful (Level 2) or equivalent may be assigned under paragraph (c) of this section only to a position held by another employee with a current annual performance rating of record no higher than minimally successful (Level 2) or equivalent.

(e) Pay rates. (1) The determination of equivalent grade intervals shall be based on a comparison of representative rates.

(2) Each employee's assignment rights shall be determined on the basis of the pay rates in effect on the date of issuance of specific reduction-in-force notices, except that when it is officially known on the date of issuance of notices that new pay rates have been approved and will become effective by the effective date of the reduction in force, assignment rights shall be determined on the basis of the new pay rates.

(f)(1) In determining applicable grades (or grade intervals) under Secs. 351. 701(b)(2) and 351.701(c)(2), the agency uses the grade progression of the released employee's position of record to determine the grade (or interval) limits of the employee's assignment rights.

(2) For positions covered by the General Schedule, the agency must determine whether a one-grade, two-grade, or mixed grade interval progression is applicable to the position of the released employee.

(3) For positions not covered by the General Schedule, the agency must determine the normal line of progression for each occupational series and grade level to determine the grade (or interval) limits of the released employee's assignment rights. If the agency determines that there is no normal line of progression for an occupational series and grade level, the agency provides the released employee with assignment rights to positions within three actual grades lower on a one-grade basis. The normal line of progression may include positions in different pay systems.

(4) For positions where no grade structure exists, the agency determines a line of progression for each occupation and pay rate, and provides assignment rights to positions within three grades (or intervals) lower on that basis.

(5) If the released employee holds a position that is less than three grades above the lowest grade in the applicable classification system (e.g., the employee holds a GS–2 position), the agency provides the released employee with assignment rights up to three actual grades lower on a one-grade basis in other pay systems.

§351.702. Qualifications for assignment

(a) Except as provided in Sec. 351.703, an employee is qualified for assignment under Sec. 351.701 if the employee:

(1) Meets the standards and requirements for the position, including any minimum educational requirement, and any selective placement factors established by the agency;

(2) Is physically qualified, with reasonable accommodation where appropriate, to perform the duties of the position;

(3) Has the capacity, adaptability, and special skills needed to satisfactorily perform the duties of the position without undue interruption. This determination includes recency of experience, when appropriate.

(b) An employee who is released from a competitive level during a leave of absence because of a corpensable injury may not be denied an assignment right solely because the employee is not physically qualified for the duties of the position if the physical disqualification resulted from the compensable injury.

(c) If an agency determines, on the basis of evidence before it, that a preference eligible employee who has a compensable service-connected disability of 30 percent or more is not able to fulfill the physical requirements of a position to which the employee would otherwise have been assigned under this part, the agency must notify the employee of the reasons for the determination.

(e) An agency may formally designate as a trainee or developmental position a position in a program with all of the following characteristics:

(1) The program must have been designed to meet the agency's needs and requirements for the development of skilled personnel;

(2) The program must have been formally designated, with its provisions made known to employees and supervisors;

(3) The program must be developmental by design, offering planned growth in duties and responsibilities, and providing advancement in recognized lines of career progression; and

(4) The program must be fully implemented, with the participants chosen

through standard selection procedures. To be considered qualified for assignment under Sec. 351.701 to a formally designated trainee or developmental position in a program having all of the characteristics covered in paragraphs (e)(1), (2), (3), and (4) of this section, an employee must meet all of the conditions required for selection and entry into the program.

§351.703. Exception to qualifications

An agency may assign an employee to a vacant position under Sec. 351.201(b) or Sec. 351.701 of this part if:

(a) The employee meets any minimum education requirement for the position; and

(b) The agency determines that the employee has the capacity, adaptability, and special skills needed to satisfactorily perform the duties and responsibilities of the position.

§351.704. Rights and prohibitions

(a)(1) An agency may satisfy an employee's right to assignment under Sec. 351.701 by assignment to a vacant position under Sec. 351.201(b), or by assignment under any applicable administrative assignment provisions of Sec. 351.705, to a position having a representative rate equal to that the employee would be entitled under Sec. 351.701. An agency may also offer an employee assignment under Sec. 351.201(b) to a vacant position in lieu of separation by reduction in force under 5 CFR part 351. Any offer of assignment under Sec. 351.201(b) to a vacant position must meet the requirements set forth under Sec. 351.701.

(2) An agency may, at its discretion, choose to offer a vacant other-than-full-time position to a full-time employee or to offer a vacant full-time position to an other-than-full-time employee in lieu of separation by reduction in force.

(b) Section 351.701 does not:

(1) Authorize or permit an agency to assign an employee to a position having a higher representative rate;

(2) Authorize or permit an agency to displace a full-time employee by an other-than-full-time employee, or to satisfy an other-than-full-time employee's right to assignment by assigning the employee to a vacant full-time position.

(3) Authorize or permit an agency to displace an other-than-full-time employee by a full-time employee, or to satisfy a full-time employee's right to assignment by assigning the employee to a vacant other-than-full-time position.

(4) Authorize or permit an agency to assign a competing employee to a temporary position (i.e., a position under an appointment not to exceed 1 year), except as an offer of assignment in lieu of separation by reduction in force under this part when the employee has no right to a position under Sec. 351.701 or Sec. 351.704(a)(1) of this part. This option does not preclude an agency from, as an alternative, also using a temporary position to reemploy a competing employee following separation by reduction in force under this part.

(5) Authorize or permit an agency to displace an employee or to satisfy a competing employee's right to assignment by assigning the employee to a position with a different type of work schedule (e.g., full-time, part-time, intermittent, or seasonal) than the position from which the employee is released.

§351.705. Administrative assignment

(a) An agency may, at its discretion, adopt provisions which:

(1) Permit a competing employee to displace an employee with lower retention standing in the same subgroup consistent with Sec. 351.701 when the agency cannot make an equally reasonable assignment by displacing an employee in a lower subgroup;

(2) Permit an employee in subgroup III–AD to displace an employee in subgroup III–A or III–B, or permit an employee in subgroup III–A to displace an employee is subgroup III–B consistent with Sec. 351.701; or

(3) Provide competing employees in the excepted service with assignment rights to other positions under the same appointing authority on the same basis as assignment rights provided to competitive service employees under Sec. 351.701 and in paragraphs (a) (1) and (2) of this section.

(b) Provisions adopted by an agency under paragraph (a) of this section:

(1) Shall be consistent with this part;

(2) Shall be uniformly and consistently applied in any one reduction in force;

(3) May not provide for the assignment of an other-than-full-time employee to a full-time position;

(4) May not provide for the assignment of a full-time employee to an other-than-full-time position;

(5) May not provide for the assignment of an employee in a competitive service position to a position in the excepted service; and

(6) May not provide for the assignment of an employee in an excepted position to a position in the competitive service.

Subpart H—Notice to Employee

§351.801. Notice period

(a)(1) Except as provided in paragraph (b) of this section, each competing employee selected for release from a competitive level under this part is entitled to a specific written notice at least 60 full days before the effective date of release.

(2) At the same time an agency issues a notice to an employee, it must give a written notice to the exclusive representative(s), as defined in 5 U.S.C. 7103(a)(16), as applied by the CAA, of each affected employee at the time of the notice. When a significant number of employees will be separated, an agency must also satisfy the notice requirements of Secs. 351.803 (b) and (c).

(b) When a reduction in force is caused by circumstances not reasonably foreseeable, an agency may provide a notice period of less than 60 days, but the shortened notice period must cover at least 30 full days before the effective date of release.

(c) The notice period begins the day after the employee receives the notice.

(d) When an agency retains an employee under Sec. 351.607 or Sec. 351.608, the notice to the employee shall cite the date on which the retention period ends as the effective date of the employee's release from the competitive level.

§ 351.802. Content of notice

(a)(1) The action to be taken, the reasons for the action, and its effective date;

(2) The employee's competitive area, competitive level, subgroup, service date, and three most recent ratings of record received during the last 4 years;

(3) The place where the employee may inspect the regulations and record pertinent to this case;

(4) The reasons for retaining a lower-standing employee in the same competitive level under Sec. 351.607 or Sec. 351.608;

(5) Information on reemployment rights, except as permitted by Sec. 351.803(a); and

(6) The employee's right, as applicable, to grieve under a negotiated grievance procedure.

(b) When an agency issues an employee a notice, the agency must, upon the employee's request, provide the employee with a copy of retention regulations found in part 351 of this chapter.

§ 351.803. Notice of eligibility for reemployment and other placement assistance

(a) The employee must be given a release to authorize, at his or her option, the release of his or her resume and other relevant employment information for employment referral to State dislocated worker unit(s) and potential public or private sector employers. The employee must also be given information concerning how to apply both for unemployment insurance through the appropriate State program and benefits available under the State dislocated worker unit(s), as designated or created under title III of the Job Training Partnership Act, and an estimate of severance pay (if eligible).

(b) When 50 or more employees in a competitive area receive separation notices under this part, the agency must provide written notification of the action, at the same time it issues specific notices of separation to employees, to:

(1) The State dislocated worker unit(s), as designated or created under title III of the Job Training Partnership Act;

(2) The chief elected official of local government(s) within which these separations will occur; and

(c) The notice required by paragraph (b) of this section must include:

(1) The number of employees to be separated from the agency by reduction in force (broken down by geographic area);

(2) The effective date of the separations.

§ 351.804. Expiration of notice

(a) A notice expires when followed by the action specified, or by an action less severe than specified, in the notice or in an amendment made to the notice before the agency takes the action.

(b) An agency may not take the action before the effective date in the notice; instead, the agency may cancel the reduction in force notice and issue a new notice subject to this subpart.

§ 351.805. New notice required

(a) An employee is entitled to a written notice of, as appropriate, at least 60 or 120 full days if the agency decides to take an action more severe than first specified.

(b) An agency must give an employee an amended written notice if the reduction in force is changed to a later date. A reduction in force action taken after the date specified in the notice given to the employee is not invalid for that reason, except when it is challenged by a higher-standing employee in the competitive level who is reached out of order for a reduction in force action as a result of the change in dates.

(c) An agency must give an employee an amended written notice and allow the employee to decide whether to accept a better offer of assignment under subpart G of this part that becomes available before or on the effective date of the reduction in force. The agency must give the employee the amended notice regardless of whether the employee has accepted or rejected a previous offer of assignment, provided that the employee has not voluntarily separated from his or her official position.

§ 351.806. Status during notice period

When possible, the agency shall retain the employee on active duty status during the notice period. When in an emergency the agency lacks work or funds for all or part of the notice period, it may place the employee on annual leave with or without his or her consent, or leave without pay with his or her consent, or in a nonpay status without his or her consent.

§351.807. Certification of Expected Separation

(a) For the purpose of enabling otherwise eligible employees to be considered for eligibility to participate in dislocated worker programs under the Job Training Partnership Act administered by the U.S. Department of Labor, an agency may issue a Certificate of Expected Separation to a competing employee who the agency believes,

with a reasonable degree of certainty, will be separated from Federal employment by reduction in force procedures under this part. A certification may be issued up to 6 months prior to the effective date of the reduction in force.

(b) This certification may be issued to a competing employee only when the agency determines:

(1) There is a good likelihood the employee will be separated under this part;

(2) Employment opportunities in the same or similar position in the local commuting area are limited or nonexistent;

(3) Placement opportunities within the employee's own or other Federal agencies in the local commuting area are limited or nonexistent; and

(4) If eligible for optional retirement, the employee has not filed a retirement application or otherwise indicated in writing an intent to retire.

(c) A certification is to be addressed to each individual eligible employee and must be signed by an appropriate agency official. A certification must contain the expected date of reduction in force, a statement that each factor in paragraph (b) of this section has been satisfied, and a description of Job Training Partnership Act programs, the Interagency Placement Program, and the Reemployment Priority List.

(d) A certification may not be used to satisfy any of the notice requirements elsewhere in this subpart.

Subpart I—Appeals and Corrective Action

§ 351.902. Correction by agency

When an agency decides that an action under this part was unjustified or unwarranted and restores an individual to the former grade or rate of pay held or to an intermediate grade or rate of pay, it shall make the restoration retroactively effective to the date of the improper action.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4736. A letter from the Legislative and Regulatory Activities Division, Comptroller of the Currency, Department of the Treasury, transmitting the Department's final rule—Assessment of Fees [Docket No. 01–23] (RIN: 1557–ACOO) received November 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4737. A letter from the Acting Assistant General Counsel for Regulations, Office of the General Counsel, Department of Education, transmitting the Department's final rule—Rehabilitation Short-Term Training—received November 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4738. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

4739. A letter from the Chief Counsel, Foreign Assets Control, Department of the Treasury, transmitting the Department's final rule—Additional Designations and Removal of Persons Listed in Appendix A to 31 CFR Chapter V and Appendix I to 31 CFR Part 539, Weapons of Mass Destruction Trade Control Regulations—received November 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

4740. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Montana Regulatory Program [SPATS No. MT–022–FOR] received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4741. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Utah Regulatory Program [SPATS No. UT–037–FOR] received November 29, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4742. A letter from the Acting Director, Office of Surface Mining, Department of Interior, transmitting the Department's final rule—Illinois Regulatory Program [SPATS No. IL–100–FOR] received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4743. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Civil Penalty Adjustments (RIN: 1029–ACOO) received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4744. A letter from the Director, Office of Regulations Management, Veterans' Benefits Administration, Department of Veterans' Affairs, transmitting the Department's final rule—Written and Oral Information or Statements Affecting Entitlement to Benefits (RIN: 2900–AK25) received November 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

4745. A letter from the Director, Office of Regulations Management, Veterans' Benefits Administration, Department of Veterans' Affairs, transmitting the Department's final rule—Written and Oral Information or Statements Affecting Entitlement to Benefits (RIN: 2900–AK25) received November 27, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

4746. A letter from the Director, Office of Regulations Management, Veterans' Benefits Administration, Department of Veterans' Affairs, transmitting the Department's final rule—Extension of the Presumptive Period for Compensation for Gulf War Veterans' Undiagnosed Illnesses (RIN: 2900–AK98) received November 27, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

4747. A letter from the Director, Office of Regulations Management, Veterans' Benefits Administration, Department of Veterans' Affairs, transmitting the Department's final rule—Extension of the Presumptive Period for Compensation for Gulf War Veterans' Undiagnosed Illnesses (RIN: 2900–AK98) received November 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

4748. A letter from the Chair of the Board, Office of Compliance, transmitting notice of proposed rulemaking for publication in the CONGRESSIONAL RECORD, pursuant to section 4(c)(4) of the Veterans Employment Opportunities Act of 1998 and section 304(b) of the Congressional Accountability Act of 1995; jointly to the Committees on Education and the Workforce and House Administration.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HANSEN: Committee on Resources. H.R. 38. A bill to provide for additional lands to be included within the boundaries of the Homestead National Monument of America in the State of Nebraska, and for other purposes; with an amendment (Rept. 107–325). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 2742. A bill to authorize the construction of a Native American Cultural Center and Museum in Oklahoma City, Oklahoma (Rept. 107–326). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 2234. A bill to revise the boundary of the Tumacacori National Historical Park in the State of Arizona; with an amendment (Rept. 107–327). Referred to the Committee of the Whole House on the State of the Union.

Mr. GOSS: Committee of Conference. Conference report on H.R. 2883. A bill to authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. 107–328). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. HAYWORTH:

H.R. 3420. A bill to direct the Secretary of the Treasury to issue appropriate guidance for use by victims of disasters in their application to charitable organizations for relief; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RADANOVICH:

H.R. 3421. A bill to provide adequate school facilities within Yosemite National Park, and for other purposes; to the Committee on Resources, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DEFAZIO:

H.R. 3422. A bill to establish a Congressional Trade Office; to the Committee on Ways and Means.

By Mr. SMITH of New Jersey (for himself, Mr. BILIRAKIS, Mr. BUYER, Mr. SIMPSON, Mr. BAKER, Mr. SIMMONS, Mr. WOLF, and Mr. TOM DAVIS of Virginia):

H.R. 3423. A bill to amend title 38, United States Code, to enact into law eligibility of certain veterans and their dependents for burial in Arlington National Cemetery; to the Committee on Veterans' Affairs.

By Mr. CALVERT (for himself, Mr. KANJORSKI, Mr. LATOURETTE, Ms. WATERS, Mr. LEWIS of California, Mr. SHERMAN, Mr. CANTOR, Mr. FORD, Mr. HOBSON, Mr. SANDLIN, Mr. SAXTON, Mr. ANDREWS, Mr. REYNOLDS, Mr. BARCIA, Mr. WAMP, Ms. BALDWIN, Mr. ISAKSON, Mr. TOWNS, Mr. RILEY, Mr. DEUTSCH, Mrs. JO ANN DAVIS of Virginia, Mr. RODRIGUEZ, Mrs. BONO, Mr. PASCRELL, Mr. STUMP, Mr. ROTHMAN, Mr. KINGSTON, Ms. MCKINNEY, Mr. FOLEY, Mr. HOLDEN, Mr. GREEN of Texas, Ms. DEGETTE, and Mrs. CAPITO):

H.R. 3424. A bill to amend the Bank Holding Company Act of 1956 and the Revised Statutes of the United States to prohibit financial holding companies and national banks from engaging, directly or indirectly,

in real estate brokerage or real estate management activities, and for other purposes; to the Committee on Financial Services.

By Mr. RADANOVICH:

H.R. 3425. A bill to direct the Secretary of the Interior to study the suitability and feasibility of establishing Highway 49 in California, known as the ''Golden Chain Highway'', as a National Heritage Corridor; to the Committee on Resources.

By Mr. TOM DAVIS of Virginia (for himself and Mr. WELDON of Pennsylvania):

H.R. 3426. A bill to provide increased flexibility Governmentwide for the procurement of property and services to facilitate the defense against terrorism, and for other purposes; to the Committee on Government Reform.

By Mr. LANTOS (for himself, Ms. ROS-LEHTINEN, Mr. ACKERMAN, Mr. BERMAN, Mr. PITTS, Mr. FALEOMAVAEGA, Mrs. JO ANN DAVIS of Virginia, Mr. PAYNE, Mr. CROWLEY, Mr. HOEFFEL, Mrs. NAPOLITANO, Ms. LEE, Mr. MEEKS of New York, Mr. WEXLER, Mr. ROHRABACHER, and Ms. MILLENDER-MCDONALD):

H.R. 3427. A bill to provide assistance for the relief and reconstruction of Afghanistan, and for other purposes; to the Committee on International Relations.

By Mr. LATOURETTE (for himself, Mr. KUCINICH, Mrs. JONES of Ohio, and Mr. TRAFICANT):

H.R. 3428. A bill to amend the Emergency Steel Loan Guarantee Act of 1999 to revise eligibility and other requirements for loan guarantees under that Act; to the Committee on Financial Services.

By Mr. YOUNG of Alaska (for himself, Mr. OBERSTAR, Mr. PETRI, Mr. BORSKI, Mr. LATOURETTE, Mr. EHLERS, Mr. GRAVES, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LIPINSKI, Mr. MASCARA, Mr. HOLDEN, Mr. RAHALL, Mr. HONDA, Mr. PASCRELL, Mr. LARSEN of Washington, Mr. COSTELLO, Mr. MCGOVERN, Mr. FILNER, and Ms. MILLENDER-MCDONALD):

H.R. 3429. A bill to direct the Secretary of Transportation to make grants for security improvements to over-the-road bus operations, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BILIRAKIS:

H.R. 3430. A bill to amend title 38, United States Code, to provide improved benefits for veterans who are former prisoners of war; to the Committee on Veterans' Affairs.

By Mrs. CAPPS (for herself, Mr. PICKERING, Mr. DINGELL, Mr. GREENWOOD, Mr. BROWN of Ohio, Mr. SHIMKUS, Mr. WAXMAN, Mr. FOLEY, Mr. STARK, Mr. NORWOOD, Mr. RANGEL, Ms. DUNN, Mr. TOWNS, Mr. WICKER, Mr. KENNEDY of Rhode Island, Mr. PLATTS, Mr. FARR of California, Mr. BAKER, Mr. ENGEL, Mr. CUNNINGHAM, Mr. GREEN of Texas, Mr. CALVERT, Mrs. MCCARTHY of New York, Mr. WAMP, Mr. SERRANO, Mr. WOLF, Mr. GUTIERREZ, Mr. THUNE, Mr. MEEKS of New York, Mr. DICKS, Mr. LANTOS, Mr. WYNN, Mr. JEFFERSON, Mr. MCGOVERN, Mr. MCNULTY, Ms. MCCOLLUM, Mr. ACKERMAN, Mr. BALDACCI, Mr. PALLONE, Mr. MARKEY, Mr. ISRAEL, Mrs. CHRISTENSEN, Ms. WATSON, Mr. HOLT, Mr. MATSUI, Mr. LIPINSKI, Ms. CARSON of Indiana, Mr. PRICE of North Carolina, Ms. LEE, Mr. KIND, Mr. MOORE, Ms. ESHOO, Ms. HARMAN, Mr. FILNER, Mr. STENHOLM, Mr. FROST, Mr. JACKSON of Illinois, Ms. SCHAKOWSKY, Mr. PASCRELL, Mrs. TAUSCHER, Ms. MCKINNEY, Mr. OBERSTAR, Mr. UDALL of New Mexico, Mr. INSLEE, Mr. DAVIS of Florida, Ms. DEGETTE, Mr. HALL of Texas, Mr. DAVIS of Illinois, Mr. ABERCROMBIE, Mr. GORDON, Mr. POMEROY, and Mr. RUSH):

H.R. 3431. A bill to amend the Public Health Service Act to provide programs for the prevention, treatment, and rehabilitation of stroke; to the Committee on Energy and Commerce.

By Mr. COOKSEY:

H.R. 3432. A bill to require that the Coast Guard Sea Marshal program be carried out in the 20 ports in the United States considered by the Secretary of Transportation to be the most vulnerable to attack by use of a commercial vessel as a terrorist instrument, to authorize additional personnel and funds for such program, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. TOM DAVIS of Virginia (for himself, Mr. MORAN of Virginia, Mr. WOLF, Mrs. JO ANN DAVIS of Virginia, and Ms. NORTON):

H.R. 3433. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income certain terrorist attack zone compensation of civilian uniformed personnel; to the Committee on Ways and Means.

By Ms. HOOLEY of Oregon (for herself, Mr. WU, Mr. WALDEN of Oregon, Mr. BLUMENAUER, Mr. DEFAZIO, and Mr. BAIRD):

H.R. 3434. A bill to authorize the Secretary of the Interior to acquire the McLoughlin House National Historic Site in Oregon City, Oregon, and to administer the site as a unit of the National Park System, and for other purposes; to the Committee on Resources.

By Mrs. MALONEY of New York (for herself, Mr. STUPAK, Mr. ANDREWS, Mrs. MCCARTHY of New York, Ms. HOOLEY of Oregon, Mr. MCNULTY, Mr. SNYDER, Mr. MALONEY of Connecticut, Mr. GUTIERREZ, Mr. WYNN, Mr. FROST, Mr. MURTHA, and Mr. OWENS):

H.R. 3435. A bill to provide for grants to local first responder agencies to combat terrorism and be a part of homeland defense; to the Committee on the Judiciary, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RAMSTAD:

H.R. 3436. A bill to amend the Soldiers' and Sailors' Civil Relief Act of 1940 to treat certain National Guard duty as military service under that Act; to the Committee on Veterans' Affairs.

By Mr. SHAW (for himself, Mr. CARDIN, Mr. PALLONE, Mr. DEUTSCH, Ms. ROS-LEHTINEN, Mr. GOODE, Mr. FILNER, Mr. EHLERS, Mr. GRUCCI, Mr. HASTINGS of Florida, Mr. SOUDER, Mr. CALVERT, Mr. DAVIS of Florida, Mr. WELDON of Florida, Mr. GREEN of Wisconsin, and Mr. BROWN of South Carolina):

H.R. 3437. A bill to amend the Merchant Marine Act, 1936 to establish a program to ensure greater security for United States Seaports, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on the Judiciary, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SIMPSON (for himself, Mr. OTTER, and Mr. REHBERG):

H.R. 3438. A bill to authorize the State committees appointed to carry out agricultural credit programs under the Consolidated Farm and Rural Development Act to permit the emergency commercial use of land enrolled in the conservation reserve program; to the Committee on Agriculture.

By Mr. WATKINS:

H.R. 3439. A bill to authorize the President to present a gold medal on behalf of the Congress to the Choctaw Code Talkers in recognition of their contributions to the Nation, and for other purposes; to the Committee on Financial Services.

By Mr. SHAW:

H. Con. Res. 282. Concurrent resolution expressing the sense of Congress that the Social Security promise should be kept; to the Committee on Ways and Means.

By Mr. SHOWS:

H. Con. Res. 283. Concurrent resolution expressing the sense of Congress that Parker Dykes deserves to be recognized for his years of commitment to football and his community and is extremely worthy of the award of National Junior College Coach of the Year; to the Committee on Education and the Workforce.

By Mr. SHOWS (for himself, Mr. FROST, Mr. GIBBONS, Mr. GILMAN, Mr. GRUCCI, Ms. HART, Mr. MCGOVERN, Mr. PASCRELL, Mr. PLATTS, Ms. ROS-LEHTINEN, Mr. STEARNS, and Mr. WEXLER):

H. Con. Res. 284. Concurrent resolution expressing the sense of the Congress that the Secretary of Veterans Affairs should provide the flag of the United States for placement on the grave sites of recipients of the Medal of Honor; to the Committee on Veterans' Affairs.

By Ms. SLAUGHTER (for herself, Ms. DEGETTE, Mr. GREENWOOD, and Mrs. MORELLA):

H. Con. Res. 285. Concurrent resolution condemning the more than 500 anthrax threats sent to reproductive health centers and abortion providers since October 14, 2001; to the Committee on the Judiciary.

By Mr. GRUCCI:

H. Res. 308. A resolution expressing the sense of the House of Representatives regarding the establishment of a National Motivation and Inspiration Day; to the Committee on Government Reform.

By Ms. LEE (for herself, Mr. SHIMKUS, Mr. NEY, and Mr. HOYER):

H. Res. 309. A resolution honoring the United States Capitol Police for their commitment to security at the Capitol; to the Committee on House Administration.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 80: Mr. SHIMKUS.
H.R. 286: Ms. LOFGREN.
H.R. 292: Ms. RIVERS.
H.R. 303: Mr. GEKAS.
H.R. 331: Mr. FLAKE.
H.R. 439: Mr. DIAZ-BALART.
H.R. 440: Mr. DIAZ-BALART.
H.R. 442: Ms. HOOLEY of Oregon.
H.R. 535: Mr. LINDER.
H.R. 760: Mr. SOUDER.
H.R. 1143: Ms. MCCOLLUM.
H.R. 1155: Ms. WATERS.
H.R. 1172: Mr. CHAMBLISS.
H.R. 1212: Mr. BACA.
H.R. 1296: Mr. SMITH of New Jersey.
H.R. 1305: Mr. STEARNS.
H.R. 1351: Mr. ROGERS of Michigan
H.R. 1353: Mr. BLUNT and Mr. ABERCROMBIE.
H.R. 1377: Mr. WATTS of Oklahoma.
H.R. 1405: Ms. CARSON of Indiana.
H.R. 1433: Mr. OWENS.

H.R. 1455: Mr. HAYWORTH.
H.R. 1464: Mr. ACKERMAN.
H.R. 1522: Mr. LUCAS of Kentucky.
H.R. 1527: Mr. SUNUNU and Mr. AKIN.
H.R. 1577: Mr. GANSKE and Mr. BONIOR.
H.R. 1649: Ms. LOFGREN.
H.R. 1733: Mr. WYNN, Mr. LANTOS, and Mr. PASTOR.
H.R. 1773: Mr. SOUDER.
H.R. 1795: Mr. VITTER.
H.R. 1810: Ms. CARSON of Indiana.
H.R. 1822: Mr. BAIRD.
H.R. 1935: Mr. ISRAEL, Mr. STEARNS, and Mr. GOODLATTE.
H.R. 1948: Mr. KLECZKA.
H.R. 1984: Mr. PAYNE.
H.R. 2071: Mr. DIAZ-BALART.
H.R. 2117: Mr. WATKINS.
H.R. 2162: Mr. ACEVEDO-VILA and Mr. BECERRA.
H.R. 2173: Mr. HILLIARD and Mr. PALLONE.
H.R. 2284: Mr. GOODLATTE.
H.R. 2348: Mr. GEPHARDT, Mr. EVANS, and Mr. BLAGOJEVICH.
H.R. 2352: Mrs. MINK of Hawaii.
H.R. 2357: Mr. REYNOLDS and Mr. TOM DAVIS of Virginia.
H.R. 2372: Mr. LEACH.
H.R. 2374: Mr. COLLINS.
H.R. 2380: Ms. MCCARTHY of Missouri and Mr. ACKERMAN.
H.R. 2442: Ms. LEE.
H.R. 2576: Mr. HINOJOSA and Mr. RAMSTAD.
H.R. 2618: Mr. NEAL of Massachusetts.
H.R. 2629: Mr. HUNTER and Mr. WEXLER.
H.R. 2709: Mr. DELAHUNT.
H.R. 2714: Mr. HASTINGS of Washington.
H.R. 2735: Mr. GOODLATTE.
H.R. 2908: Mrs. NAPOLITANO, Mr. WYNN, and Mr. PASCRELL.
H.R. 2955: Mr. MALONEY of Connecticut.
H.R. 3020: Mr. FERGUSON.
H.R. 3054: Mrs. CHRISTENSEN, Ms. RIVERS, Mr. MCHUGH, Mrs. KELLY, Ms. WATERS, Mr. UDALL of New Mexico, Mr. JEFFERSON, Mr. TANNER, Mr. TURNER, Mrs. DAVIS of California, Mr. HONDA, Ms. JACKSON-LEE of Texas, Mrs. JONES of Ohio, Ms. KILPATRICK, Mrs. MINK of Hawaii, Mrs. NAPOLITANO, Ms. NORTON, Ms. PELOSI, Ms. SOLIS, Mrs. TAUSCHER, Mr. EVANS, Mr. ACKERMAN, Mr. STRICKLAND, Mr. BECERRA, Mr. KENNEDY of Rhode Island, Mr. MALONEY of Connecticut, Mr. PAYNE, Mr. TANCREDO, and Mr. SANDLIN.
H.R. 3058: Mr. HONDA, Mr. PASCRELL, Mr. GRUCCI, and Mr. ALLEN.
H.R. 3099: Mr. HINCHEY.
H.R. 3121: Mr. MCDERMOTT.
H.R. 3143: Ms. KILPATRICK.
H.R. 3166: Mr. WATT of North Carolina.
H.R. 3171: Mr. BARR of Georgia.
H.R. 3175: Mr. MARKEY.
H.R. 3185: Mr. MCGOVERN, Mr. WYNN, Mr. BAIRD, and Mr. HOLDEN.
H.R. 3215: Mr. BARCIA, Mr. REHBERG, Mr. THORNBERRY, Mr. BURTON of Indiana, Mr. WHITFIELD, Mr. HEFLEY, Mr. GREEN of Wisconsin, Mr. LUCAS of Kentucky, Mr. EDWARDS, Mr. GANSKE, Mr. BILIRAKIS, Mr. CHAMBLISS, Mr. SAXTON, Mr. WELDON of Florida, Mr. LINDER, Ms. DUNN, Mr. GEKAS, Mr. BRADY of Texas, Mr. TIAHRT, and Ms. ROS-LEHTINEN.
H.R. 3218: Mr. UDALL of Colorado and Mr. GONZALEZ.
H.R. 3230: Mr. MCHUGH, Mr. ENGEL, and Ms. HART.
H.R. 3238: Mr. ISRAEL and Mr. KUCINICH.
H.R. 3244: Mrs. JO ANN DAVIS of Virginia, Mr. BOSWELL, and Mr. BILIRAKIS.
H.R. 3267: Mr. KUCINICH.
H.R. 3272: Mr. BONIOR, Mr. TOWNS, Mrs. MALONEY of New York, Mr. RANGEL, Mr. ISRAEL, Mrs. MCCARTHY of New York, Mr. OWENS, and Mr. ACKERMAN.
H.R. 3284: Mr. WAXMAN, Mr. EVANS, and Mr. BONIOR.
H.R. 3289: Mr. FROST and Mr. RANGEL.
H.R. 3319: Mr. TIAHRT.
H.R. 3331: Mr. HINCHEY, Ms. LEE, and Mr. OWENS.
H.R. 3336: Mr. RANGEL, Mr. DOYLE, Ms. SCHAKOWSKY, Ms. CARSON of Indiana, Mr. BONIOR, Mr. WATT of North Carolina, and Mrs. NAPOLITANO.
H.R. 3347: Mr. TIAHRT, Mr. EHLERS, Mr. DUNCAN, Mr. MCHUGH, Mr. GRAVES, Mr. MCGOVERN, Mr. WYNN, Mr. GILCHREST, Mr. REHBERG, Mr. PETRI, Mr. PETERSON of Minnesota, Ms. HART, Mr. JONES of North Carolina, and Mr. LOBIONDO.
H.R. 3351: Mr. LOBIONDO, Mr. WEINER, Mr. BERRY, Mr. DOYLE, Mr. UDALL of New Mexico, Mr. PETERSON of Minnesota, Mr. CHAMBLISS, Mr. GUTKNECHT, Mrs. CLAYTON, Mr. SHERMAN, Mrs. MYRICK, Mr. SCHUSTER, Mr. STEARNS, Mrs. CAPITO, Ms. DEGETTE, Ms. ESHOO, Mr. ROTHMAN, Mrs. CUBIN, Mr. HOEFFEL, Mr. BISHOP, Mr. VITTER, and Mr. RODRIGUEZ.
H.R. 3353: Ms. HART.
H.R. 3360: Mr. BILIRAKIS, Mr. NORWOOD, Mr. ISAKSON, Mr. CHAMBLISS, Mr. LINDER, Mr. BARR of Georgia, Mr. KINGSTON, Mr. COLLINS, Mr. BISHOP, Mr. TOWNS, Mr. GREEN of Texas, Mr. PICKERING, Mrs. THURMAN, Mrs. MCCARTHY of New York, Mr. ACKERMAN, Mr. SWEENEY, Ms. BROWN of Florida, Mr. NADLER, Mr. HINCHEY, Mr. MEEKS of New York, Mr. GILMAN, Mr. MCNULTY, Mr. SMITH of New Jersey, Mr. WEINER, Ms. ROS-LEHTINEN, Mr. WALSH, Mrs. MALONEY of New York, Mr. BOYD, Mr. LUTHER, Mr. WHITFIELD, Mr. SERRANO, Mr. GRUCCI, Mr. LOBIONDO, Mr. PALLONE, Mr. FERGUSON, Mr. SKELTON, Mr. STEARNS, Mr. FOLEY, Mr. DIAZ-BALART, and Mr. KING.
H.R. 3363: Mrs. CAPPS.
H.R. 3364: Mr. JONES of North Carolina and Mr. NETHERCUTT.
H.R. 3368: Mr. KLECZKA and Mr. OWENS.
H.R. 3373: Ms. SLAUGHTER and Mr. ISRAEL.
H.R. 3376: Mr. PASCRELL.
H.R. 3389: Mr. KENNEDY of Rhode Island.
H.R. 3393: Mr. MORAN of Virginia, Mr. BOYD, Ms. KAPTUR, Mr. KENNEDY of Rhode Island, and Mr. CLYBURN.
H.R. 3402: Mr. MEEKS of New York, Mr. ISRAEL, Mrs. LOWEY, and Ms. SLAUGHTER.
H.R. 3414: Mr. OWENS, Mr. BOEHLERT, Mr. MEEKS of New York, Mr. BOSWELL, Mr. SKELTON, Mrs. CLAYTON, and Mr. RUSH.
H.J. Res. 75: Mr. ROHRABACHER, Mr. SCHROCK, Mr. BURR of North Carolina, Mr. COOKSEY, Mr. WATKINS, and Mr. CANTOR.
H. Con. Res. 199: Mr. MATSUI, Mr. MCNULTY, Mr. BORSKI, Mr. WYNN, Mr. KILDEE, Ms. KAPTUR, Mr. MCHUGH, Ms. RIVERS, and Mr. FROST.
H. Con. Res. 222: Mrs. ROUKEMA and Mr. WEINER.
H. Con. Res. 249: Mr. MALONEY of Connecticut, Mrs. MEEK of Florida, Ms. BROWN of Florida, Mrs. JONES of Ohio, Ms. KILPATRICK, Mr. PAYNE, Mr. CONDIT, Mr. ACEVEDO-VILA, Ms. ROYBAL-ALLARD, Mr. FARR of California, Mr. DELAHUNT, Mr. ORTIZ, Mr. HALL of Ohio, Mr. GUTIERREZ, Mr. EVANS, Mr. HOYER, Ms. PELOSI, Ms. SANCHEZ, Mr. BOYD, Mr. BROWN of Ohio, Mr. DAVIS of Florida, Mr. NUSSLE, Mr. SPRATT, Mr. CLEMENT, Mr. MORAN of Virginia, Ms. HOOLEY of Oregon, Mr. HOEFFEL, and Mr. CAPUANO.
H. Con. Res. 260: Ms. SCHAKOWSKY.
H. Con. Res. 279: Mr. RODRIGUEZ, and Mr. ENGLISH.
H. Res. 295: Ms. HART.